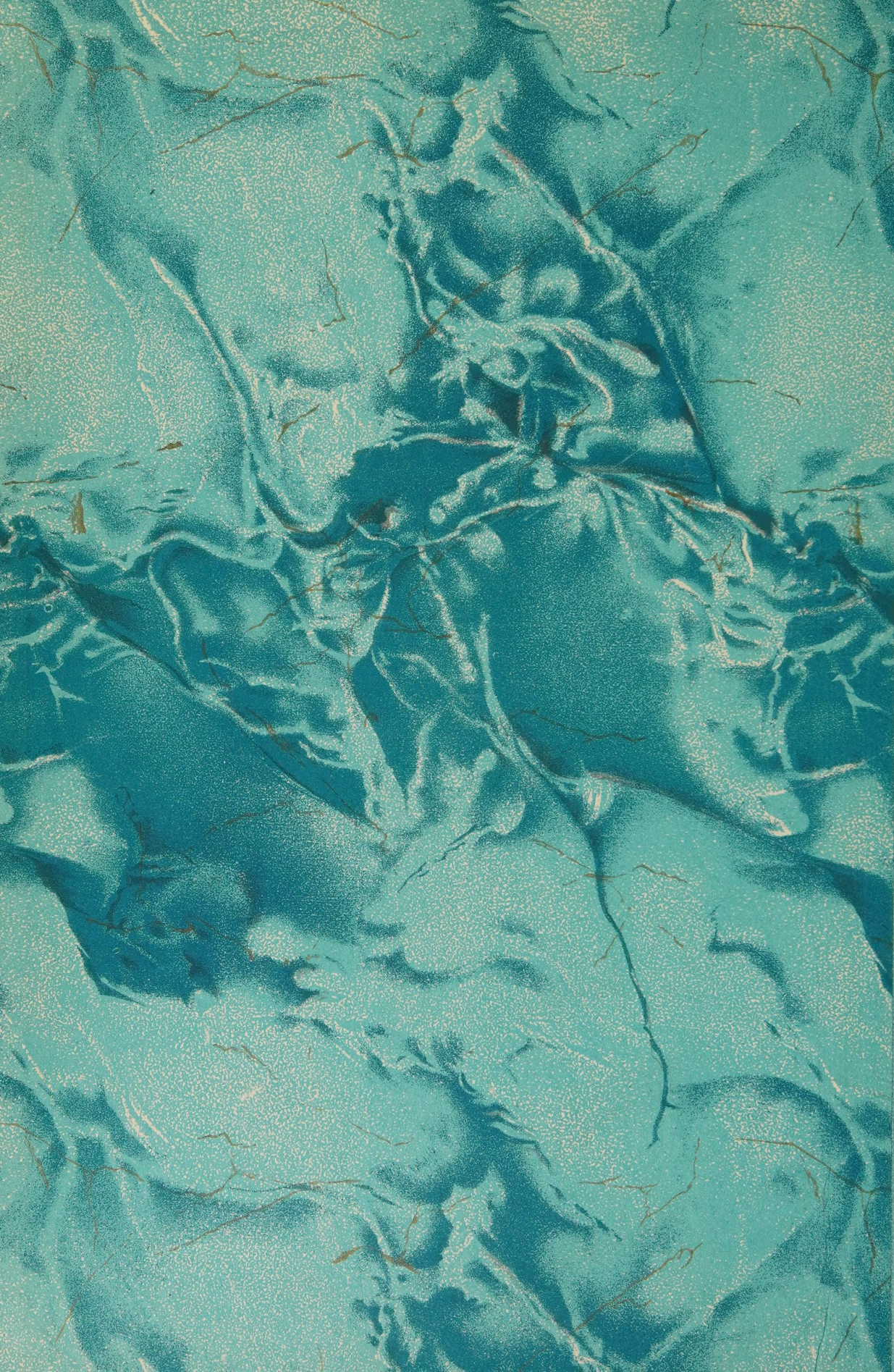

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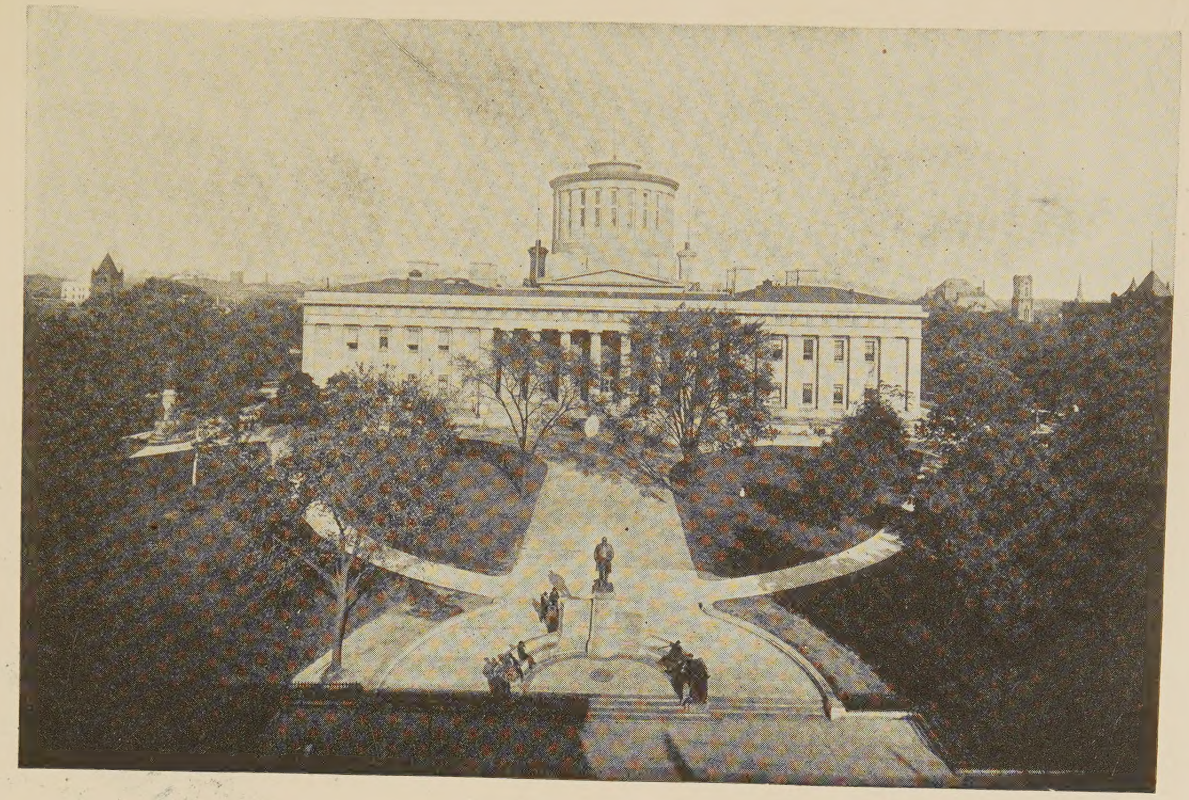

Ohio State Capitol

HISTORY OF OHIO

BY

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Constitutional Convention (1912).

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CONSTITUTIONAL EVOLUTION OF OHIO

HISTORY OF OHIO

CHAPTER I

EVOLUTION OF OHIO'S CONSTITUTION

State Constitutions

The state constitutions are the oldest things in the history of America, for they are the continuations and representatives of royal charters, whereby the earliest English settlements in America were created, and under which their several local governments were established, subject to the authority of the English crown and ultimately of the British parliament. But, like most of the institutions under which English speaking people now live, they have a pedigree which goes back to a time anterior to the discovery of America itself. It begins with the English trades guild of the middle ages, itself the child of still more ancient corporations, dating back to the days of imperial Rome and formed under her imperishable law.

James Bryce.

The earliest British colonies of America, of which the original thirteen states were the direct descendants, were those of Virginia and Massachusetts Bay. The former was chartered in 1609 under the title of "the Treasurer and Company of Adventurers and Planters of the City of London for the first colony of Virginia." The latter, in 1628, under the title of the "Governor and Company of the Massachusetts Bay in New England." When the American Colonies declared their independence in 1776, their charters, under the British crown, became their constitutions under the Republic, in most instances with material and extensive modifications, but in the case of three states, Massachusetts, Connecticut and Rhode Island, with no change except to substitute the authority of the state—the people, for that of the crown. These "charter-constitutions" remained in force in Massachusetts till 1870, in Connecticut till 1818, and in Rhode Island till 1842. The constitutions of the original states have served as a guide to the people of the states subsequently admitted, but they all bear distinctive evidence of their common origin.

The relation of the states to the general government is, however, quite different in some respects from that of the British colonies to the crown. The latter derive all their powers from the British government, which reserves authority to alter charters and vote laws at its will. Our central government at Washington may, it is true, specify the character of the constitution of a new state seeking admission into the Union, and this power has been used, notably in the case of our own state and Utah and more recently on the occasion of the admission of Arizona, but it can not alter a state constitution once adopted, or veto a law enacted under its provisions. The Constitution of the United States, to the extent of its expressed and implied powers, is supreme, but there its authority ends; for it expressly declares that "the powers not dele-

gated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

The Constitution of the United States does not specifically provide the manner in which new states shall become members of the general government. It simply declares that "new states may be admitted by the Congress into this Union"; but no new state shall be formed or created within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned as well as of Congress.

While the mode of admission has varied somewhat, it has usually been in accordance with the following form: A territory having sufficient population sends a petition to Congress, asking permission to form a state constitution preparatory to admission into the Union. Congress passes an enabling act granting the request. The people of the territory then hold a convention, form a constitution and usually submit it to the people for approval or rejection. Ohio, as we shall see, was an exception in the last of these conditions. Her fixed constitution was not such mitted to popular vote. After the constitution has been provisionally adopted, it is sent to Congress for approval. If the preliminary action on the part of the territory seeking admission has been satisfactory to that body and the new constitution is free from serious objection, Congress admits the new state into the Union. The constitution is therefore a compact freely approved and entered into by the State and the Nation. Once adopted, it can be revised or amended only by the state.

Divisions of a State Constitution

The parts of a state constitution usually are:

1. The enacting clause or preamble.
2. The bill of rights.
3. The frame of government.
4. Miscellaneous provisions.
5. The schedule.

The introductory declaration of a constitution is generally called a preamble, although it is not so named in the Constitution of the United States or either of those framed for Ohio. A writer objects to the use of the term preamble, "for," says he, "it was not applied by those who framed the constitution and is not found in the original manuscript. It is not a preamble either in form or substance, but is the enacting clause —an integral part of the constitution itself. A preamble gives reasons why a resolution should be adopted or an enactment made, but it is no part of the resolution or enactment. The enacting clause, on the contrary, is mandatory. Such is the introductory sentence of the constitution." The reasoning holds, as we shall see, not only for the basic law of the United States, but for that of Ohio as well.

Following is the enacting clause of our first state constitution:

We, the people of the Eastern Division of the Territory of the United States, northwest of the River Ohio, having the right of admission into the general government, as a member of the Union, consistent with the Constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and the law of Congress entitled "An act to enable the people of the Eastern Division of the Territory of the United States northwest of the River Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes," in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government; and do mutually agree with each other to form ourselves into a free and independent state, by the name of the State of Ohio.

The enacting clause of our present constitution is brief. It contains only the following declaration:

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this constitution.

We have here a distinct recognition of the Deity which does not appear in the Constitution of the United States or in our state constitution framed in 1802. The convention of 1873-1874 adopted an enacting clause identical with that of our present constitution.

The bill of rights is a series of declarations of the general and fundamental rights reserved to the people. These include, of course, the natural and inalienable rights of "life, liberty and the pursuit of happiness," more specifically stated. The bill of rights in our first constitution included twenty-eight sections; in our second, twenty; in that of 1874, twenty-one, and in our present one, as amended in 1912, twenty sections and one supplemental section. The subject matter in all these is essentially the same. The bill of rights usually follows immediately the enacting clause or preamble, but it is sometimes written into the closing portion, as it was in our constitution of 1802.

The bill of rights comes down to us from the famous Magna Charta. The original purpose was to secure to the people certain fundamental rights against the despotic power of the sovereign. In a republican government, where the people are sovereign, it would seem superfluous to promulgate this series of declarations to protect the people from themselves. It may be answered, however, that popular majorities may become tyrannical and that these declarations extend a salutory protection over minorities and individuals. They serve also to restrain legislatures, which are often objects of serious solicitude to those who elect them.

The bill of rights in the Constitution of the United States includes the first ten amendments. This portion of a state constitution is more extended and sometimes contains items that might more properly be placed with the miscellaneous provisions.

Frame of Government

Under the frame of government are included the three departments, legislative, executive and judicial. In a general way it is the function of the legislative department to enact the laws; of the executive department to enforce the laws, and of the judicial department to expound the laws and apply them to individual cases.

Under the state constitution the legislative function is vested in a General Assembly or Legislature, consisting of two branches, a Senate and a House of Representatives. The latter is the more numerous body; the former is supposed to be the more dignified and select. The members of both are elected by the people and in fact do not differ essentially in general character and ability. The upper body being smaller in number, is for that reason less unwieldy and more orderly and expeditious in the transaction of business.

In recent years the people in a number of states have reserved to themselves the right to initiate and enact laws. When such reservation has been made, the electorate must be included with the law making power. Oregon has had most extended experience in direct legislation.

The executive function is vested in the governor and elective or appointive administrative officers. It is their duty to see that the laws are executed or carried into effect. For instance in Ohio the registration of automobiles is directed by the secretary of state, elected by the people, and the state road laws are administered by a director of highways and public works, appointed by the governor. Most of the actual work is done by the large number of subordinate appointees under the heads of the different departments.

The judicial department is vested in the courts, supreme and inferior, whose duties are to interpret and apply the laws. In our state they consist of the Supreme Court, the Court of Appeals, the Courts of Common Pleas, the Probate Courts and the courts of justices of the peace.

The theory of the framers of our constitutions, state and national, was that these three departments should be independent of one another, and so far as the framing of the constitutions is concerned, this independence is preserved. In actual practice, however, all three transcend their theoretical limitations. The Supreme Court may declare a law unconstitutional, supply by interpretation what is not expressed, and read into an act what in its judgment may reasonably be inferred. The law of the land is found not only in the written statutes, but in the opinions and decisions of the courts as well.

Between the legislative and executive departments the exchange of authority is more frequent and flagrant. The chief executive, be he governor or president, is much more than an administrative officer. His veto gives him power to prevent legislation. Through his messages to Congress or the General Assembly he may advise the enactment of laws.

SEAL OF THE NORTHWEST TERRITORY.

This privilege would not in itself be very effective were it not backed up by the alluring and persuasive power of patronage. The trading of political jobs for legislation was long so common that the people had come to look upon it as a matter of course—a part of the game. For a governor to distribute a few fat offices among members of the Legislature in return for the support of his favorite measures, sometimes designed to help him toward a political goal, was considered and even to this day, by practical politicians, is considered quite the proper thing; but for the "big interests" that have no offices to give, to distribute cold cash in behalf of the passage of their measures is regarded as a heinous crime. Both offenses are about equally reprehensible and demoralizing, and the time is probably not far distant when they will be so regarded. There is no reason why a governor or president should become, through the distribution of spoils, ex-officio the chief corruptionist of the State or Nation.

There is, however, a demand among the people themselves that their chief executive take a leading part in the campaign for legislation, with the qualification, of course, that it be for good legislation. In these days a governor or president who confines himself strictly within contemplated and prescribed constitutional limitations is pretty certain to be severely criticised for "sitting still and doing nothing," while the Legislature or Congress "fritters away the time" in vain vaporing and turbulent inactivity. What the future relation between these two departments may be is, of course, a matter of conjecture. But there is warrant for the hope that it will be based on something less reprehensible than "hire

and salary" with political jobs as the medium of exchange. The example and influence of this system is bad—a standing invitation and suggestion to all forms of corruption.

The miscellaneous provisions of a constitution include such as may be classed properly under the preceding divisions. They, of course, are not uniform for all states or for the same state at different periods. The modern tendency has been distinctly to increase their number. In spite of the demand of editors and authors for "a state constitution of a few plain, simple general provisions," the more powerful and persuasive call of our modern complex civilization leads in the opposite direction. There is continually more and more to protect, promote and prohibit by constitutional mandate. There is a popular distrust of legislatures, and this is extending in some degree to the courts. In recent years there has been a disposition to center authority, responsibility and trust in the governor, and sometimes it has seemed that we are on the eve of a revival of the fetish, "the king can do no wrong."

It has been possible for governors to do things with impunity that would bring down upon a Legislature denunciation from the housetops. But this rehabilitation of one man power will soon have had its day, and it requires no prophet to predict that the superabundance of gubernatorial perquisites, prerogatives and powers will be relegated to the scrap heap of the past.

A Short Constitution

It would be possible, of course, to eliminate all miscellaneous provisions and compress the remainder of the state constitution into a single sentence something like this:

The General Assembly shall trust in God and legislate in the interest of justice, liberty and humanity.

It is morally certain, however, that such a constitution, like the religious inscription on our coins, excellent and all inclusive though it be, would not prove adequate in practical application.

Modern tendencies, it is therefore safe to say, portend an expanding basic law and a little more "legislating in the constitution," though it is generally agreed that the latter should be reduced to a minimum.

The schedule provides for carrying the constitution into operation. A new constitution brings changes. It supersedes a previously existing constitution or instrument of government. It is important that the change be attended with as little friction as possible. To provide for this a schedule of several sections is generally necessary, specifying when and how the constitution shall be submitted to a vote of the people, and when and how, if adopted, its provisions shall go into effect. In the schedule may be included any independent proposals to be submitted to the people, except when all the proposed changes are submitted as separate amendments, as they were by the Ohio constitutional convention of 1912. Upon adoption, the proposals included in the schedule become parts of the constitution.

The various divisions here briefly presented are exemplified in our present state constitutions as follows:

1. Enacting clause or preamble.
2. Bill of rights.
   - Article I.
3. Frame of government.
   - Article II. Legislative.
   - Article III. Executive.
   - Article IV. Judicial.
4. Miscellaneous provisions.
   - Article V. Elective franchise.
   - Article VI. Education.

Article VII. Public institutions.
Article VIII. Public debt and public works.
Article IX. Militia.
Article X. County and township organizations.
Article XI. Apportionment.
Article XII. Finance and taxation.
Article XIII. Corporations.
Article XIV. Jurisprudence.
Article XV. Miscellaneous.
Article XVI. Amendments.
Article XVII. Elections.
Article XVIII. Municipal corporations.

5. Schedule.

CHAPTER II

CONSTITUTIONAL CONVENTION OF 1802

The constitutions of the various states are the latest authoritative manifestations of the evolutionary development of ideas of popular government. In the older states the progressive steps are seen in the amendment and revision of written constitutions. Ohio is no exception to the general rule. "New occasions teach new duties," and the basic law of our commonwealth, like its social, industrial and political fabric, changes with the demands of the passing years. Under portions of our first state constitution we could still live and prosper; under some of its provisions efficient administration would now be impossible.

It is a significant fact, paradoxical though it may seem, that our revolutionary forefathers, even in the fresh and lambent glow of the Declaration of Independence, with its sweeping and all inclusive claims "that all men are created free and equal" and that "governments derive their just power from the consent of the governed," did not, if we judge from their laws and constitution entertain implicit faith in the capacity of the people for absolute self government—for direct and unrestricted participation in the election of rulers and the making of laws. In framing the Constitution of the United States they did not provide that citizens should vote directly for President, on the ground that they did not possess the requisite intelligence to make a wise choice for this high office. The people were given power to choose electors who in turn, after deliberate and conservative consideration of the whole field of eligibles, were to choose a President of the United States much as a modest and conscientious board of trustees choose a president of a state university. The old form still remains, but the people have bound their electors to vote their choice, and thus virtually elect directly their chief magistrate, whose name under the party emblem tells them where to mark the ballot.

The first constitution of Ohio reflects in a general way the dominant views of our young republic on matters of government. There are exceptions, of course, including the declaration against slavery that came down from the Ordinance of 1787. As frequently stated, the formation and adoption of this constitution was precipitated by the political conditions that prevailed in the Northwest Territory. The old federal party of Washington and Adams was not popular in the West, and the somewhat autocratic rule of Governor St. Clair, its chief exponent in this region, helped still further to array the people against it. Tiffin, Worthington, Massie and their friends wished speedily to erect a new state in order to dispose of St. Clair and add to the votes of Jefferson in the electoral college. The impelling power of party enthusiasm had much to do in rushing Ohio into the Union.

But the zeal of party leaders and the progressive ideas of the Jeffersonian democracy, with its alluring and persuasive plea for a larger participation of the people in their government, did not advance our first constitution much beyond the restricted views of representative democracy generally prevalent at that early date.

The convention organized November 1, 1802, by choosing Edward Tiffin, president; Thomas Scott, secretary, and William McFarland, assistant secretary.

The records of the convention that framed the first constitution are

indeed meager. Speeches, memorials and discussions, almost without exception, were not reported. The printed journal of proceedings is a mere outline of what was done from day to day, made up for the most part of formal resolutions and the record of votes. The proceedings of November 6, 1802, are typical:

Mr. Putnam, from the committee appointed to prepare and report a preamble and the first article of the Constitution, which was received and read the first time.

Whereupon:

Ordered: That the said article be committed to a committee of the whole convention on Monday next.

On Motion, Ordered: That forty copies of the said article be printed for the use of the members and officers of the convention.

On Motion, Ordered: That a committee be appointed to prepare and report the second article of the Constitution on the supreme executive authority.

And a committee was appointed of Mr. Paul, Mr. Byrd, Mr. Smith, Mr. Gatch, Mr. Darlinton, Mr. Kirker, Mr. Massie, Mr. Worthington, Mr. Carpenter, Mr. Putnam, Mr. Gilman, Mr. Huntington, Mr. Milligan, Mr. Wells and Mr. Caldwell.

The convention proceeded to consider the amendment reported on Thursday last, from the committee of the whole convention, to the preamble of the Constitution; and the same being read was agreed to.

And then the convention adjourned until Monday morning, at 10 o'clock.

It is interesting to note with what promptitude and industry the thirty-five delegates, with Edward Tiffin in the chair, proceeded with their work. These serious and enthusiastic statesmen of the frontier wasted no time in useless delays, social junkets and spectacular formalities.

On the third day of the session, the committee on rules for the regulation and government of the convention made its report, which was adopted. Other committees were appointed to prepare and report as follows:

November 3, 1802. A preamble and first article of the Constitution.

November 4. A bill of rights and a schedule for the purpose of carrying into complete operation the Constitution and Government.

November 6. The second article of the Constitution on the supreme executive authority.

November 9. The third article of the Constitution on the judiciary.

November 12. The fourth article of the Constitution, designating the qualifications of electors.

The fifth article of the Constitution declaring the manner in which militia officers shall be chosen or appointed.

The sixth article of the Constitution designating the manner in which sheriffs, coroners and certain other civil officers shall be chosen or appointed.

November 15. An article comprehending the general regulation and provisions of the convention.

It will be seen that the convention worked through committees, one for the consideration of each article. These committees from time to time, made reports to the convention, where they were considered in committee of the whole. These reports were usually printed and opportunity was afforded for any delegate to offer amendments. Debate was often spirited and at times acrimonious, but what was said is not a matter of record.

It was known that Governor St. Clair desired to address the convention. A large majority of the members were opposed to him, but they did not carry their hostility to the extent of denying him the privilege to be heard. After considerable discussion, a motion was made and carried in this form: "That Arthur St. Clair, Senior, Esquire, be

permitted to address the convention on those points which he deems of importance." It will be noticed that he was not honored with the title of the office which he then held and the language of the resolution was little short of a studied personal insult.

If the convention deserves censure for this unnecessary and discourteous action, it must be admitted that Governor St. Clair is open to rather severe criticism for the use that he made of the privilege extended. He could not let pass the opportunity to denounce the action of his political foes and to strongly oppose the purpose of an overwhelming majority of the convention to hasten the admission of Ohio into the Union. Promptly on the conclusion of the speech of the governor a resolution was offered declaring "it now expedient to form a constitution and state government." Only one member, Judge Ephriam Cutler, voted in the negative.

The Territorial Legislature, which had been duly elected and had previously met, "stood adjourned to meet at Cincinnati on the fourth Monday in November." A resolution was introduced and adopted by the convention asking the governor to dissolve the Legislature, thus

FIRST SEAL OF OHIO.

affording evidence of their lack of faith in him and their suspicion that possibly he might influence the Legislature to obstruct the work of the convention. There seems to be no evidence that this action was necessary, as the Legislature did not convene and the governor made no effort to call it into session.

Many resolutions were offered "relating to the people of color then residing in the territory." A careful observer who was at the time a member of the legislative council, writing on this subject years afterwards, makes the rather indefinite statement that "probably one or two hundred" proposals of this character were offered. Some members wished to give the colored residents the full rights of citizenship—others seemed willing to deprive them of all rights and limit them to conditions little short of slavery. Between these two extremes the flood of proposals rolled in.

It is little singular that at this early date such intensity of feeling should be manifest on the color question. The attitude of the delegates is more fully considered in the chapter devoted to the anti-slavery movement in Ohio. It is sufficient here to know that the various proposals submitted on this subject were discussed with warmth and bitterness. The leaders of the convention became alarmed lest the color question might prevent the formation of a constitution. It was therefore tacitly agreed that the proposals should not be taken up for action. With a few exceptions to which reference will be made elsewhere, this policy was followed. The negro question and the negro were left rather

severely alone and it is practically true, as declared by Judge Jacob Burnet, that the constitution was created for white citizens. The Ordinance of 1787 prohibited slavery in the Northwest Territory and made it impossible for a state convention to introduce it in any political subdivision of that territory. There is collateral evidence, however, that the people residing within the limits of the territory now embraced in the State of Ohio were opposed at the time of the adoption of our first constitution to the introduction of slavery. The fact that candidates for delegates to the convention were quick to deny any intention to favor the introduction of slavery is good evidence that there was no demand for it among the electors.

The third article of the constitution of 1802, establishing the judicial department, was certain to prove unsatisfactory in practice. It was at first proposed to create one Supreme Court that should sit at the seat of state government. It was understood that, for some time at least, the state capital would continue at Chillicothe. Delegates from the more distant and populous parts of the state were not satisfied with this plan. Roads were bad and the means of transportation were of the most primitive character. The prospect of occasional trips to the capital to try cases before the court of final resort was not satisfactory. The device was finally proposed of having the Supreme Court move from county to county. This proposal, impracticable as it obviously was, nevertheless was adopted and Ohio began with a Supreme Court on wheels, or rather on horseback, as that was more frequently the mode of travel.

It required no prophet to foretell the results. Almost from the date of the admission of Ohio into the Union the greater portion of the time of the Supreme Court was spent in traveling from county to county. Decisions were hastily made, often with no law book for reference, and in time the judiciary became hopelessly overburdened. Temporary expedients did not bring substantial relief and difficulties steadily increased as the state grew in population and the counties became more numerous.

The framers of this constitution evidently believed in the short ballot. Under this instrument in the state at large the governor only was elected by the people. Other state officials were chosen by the General Assembly. The governor had very limited authority and could not exercise the veto power. This curtailment, as has been observed, was due chiefly to antipathy towards St. Clair.

The limited power conferred upon the governor by our first constitution has attracted the attention of all who have studied that document. Having stripped the governor in large measure of the powers that are usually conferred upon the chief executive, the convention proceeded to confer those powers upon the General Assembly, which was authorized to appoint all other state officers, including the judges of the Supreme Court and the presidents and judges of the Common Pleas Courts. The General Assembly was, therefore, the dominant power under the constitution. It made the laws and appointed the officers, with the exception of the governor, to interpret and execute them.

The convention finished its work in a comparatively short time. It assembled in Chillicothe, November 1, 1802. On the 29th day of that month it had framed, engrossed, adopted and signed the first constitution of Ohio. Of course the delegates had the constitutions of other states to guide them. It is said that those of Tennessee and Virginia were regarded with favor and that recourse was had to them in framing certain articles of the constitution.

The first constitution of Ohio was not submitted to the people for their approval. It became operative without this formality, another apparent lapse from the principles of the dominant element in the convention. But they wanted a new state and they wanted it quick. What they did, if it had been submitted to a vote, would undoubtedly have been approved by an overwhelming majority of the people.

Jefferson's Views of Ohio's First Constitution

Inasmuch as this constitution was the work of the friends of Jefferson, his opinion concerning it may be of interest. "We are told that immediately after the formation of the constitution of Ohio, a leading citizen of our state visited the seat of the general government. In an interview with Mr. Jefferson, then President, that statesman remarked that he had received the evening before and read with much pleasure the constitution of the State of Ohio. It was an excellent document, he said, but the framers committed the grave mistake of making too many sections and attempting to go too much into detail.

With many other statesmen, Jefferson thought that constitutions, like the Declaration of Independence, should contain broad and general provisions under which the interests of the people could be subserved through the enactment of special laws. The preamble of the Constitution of the United States, which in large part was included in the preamble of our first constitution, is an excellent example. "To establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourserves and our posterity" is an ample and generous refuge for statesmen. Even Mr. Jefferson, himself a "strict constructionist," did not hesitate to hie himself thither in time of need, notably on the occasion of the purchase of the Louisiana Territory.

While our first constitution was criticised as too detailed and specific, and this was one of the chief reasons urged by an advocate of revision in 1849, it was the briefest and most general in its provisions that the state ever had or perhaps ever will have. The modern tendency is toward detailed, specific and somewhat lengthy constitutions. Our social fabric has become more complex; there is so much more to regulate. "To make sure of it and fix it so that neither the Legislature nor the courts can tamper with it, we will put it in the constitution"—this is a course of reasoning not uncommon in our day. The results are seen in the detailed and somewhat prolix constitution of Oklahoma and the expanding basic law of Oregon, where to make sure that an act will not be thrown out by the Supreme Court, it is voted into the constitution in the form of an amendment. We were well on the way toward the same goal in Ohio, when political conventions by endorsing amendments caught the voters of straight tickets and virtually changed our constitution at the will of the leaders of the dominant parties.

Our early statesmen appreciated the importance of providing for the amendment of state constitutions. On this subject Thomas Jefferson wrote:

No society can make a perpetual constitution or even a perpetual law. The earth belongs always to the living generation; they may manage it, then, and what proceeds from it as they please during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please; but persons and property make the sum of the objects of government. The constitution and the laws of their predecessors are extinguished, then, in their natural course, with those who gave them being. This could preserve that being till it ceased to be itself and no longer. Every constitution, then, and every law, naturally expires at the end of thirty-four years.

On another occasion Jefferson expressed a preference for opportunity to amend "every nineteen or twenty years," and the latter was the period fixed in our constitution of 1851. Our first constitution, however, made amendment or revision possible at any time after the year 1806. This could be done only by a convention of delegates after two-thirds of the General Assembly had voted in favor of submitting the proposition to call such convention and it had been approved by a majority of the people voting for representatives at the next general election.

To recapitulate: We had in our first constitution a comparatively

brief statement of basic principles, which was yet sufficiently specific in some of its provisions to make it inflexible to the changing conditions of a growing commonwealth. Under it the executive had little power and the judiciary was dominated by the Legislature, in whose members, elected by the people, was vested the chief sovereign power.

We shall see how such a government stood the test of time and met the needs of a rapidly expanding and progressive state.

Men of the Convention that Framed the First Constitution of Ohio

Judge Jacob Burnet, who served in the legislative council of the territorial legislature and afterwards as United States senator from Ohio, writes thus of the choice of delegates to this constitutional convention: "The result of the choice was highly creditable to the intelligence of the inhabitants, as with but few exceptions the most intelligent men of the counties were selected." He further speaks of them as "men of vigorous mind and high standing in the confidence of their fellow citizens."

Of the delegates five, Huntington, Kirker, Morrow, Tiffin and Worthington, afterward became governors of Ohio; four, Morrow, Smith, Tiffin and Worthington represented the state in the United States Senate. Morrow and Caldwell were members of the lower house of Congress.

Charles Willing Byrd, of distinguished ancestry, was an able lawyer. He was secretary of the Northwest Territory and on the removal of St. Clair became acting governor. He was one of the ablest men of the convention. He was appointed United States district judge by President Jefferson, a position which he held for the remainder of his life.

Darlinton, Goforth, Massie, Smith, Tiffin, Worthington, Cutler, Dunlavy and Morrow had served in the legislature of the Northwest Territory.

Abbot, Baldwin, Caldwell, Carpenter, Cutler, Humphrey, Huntington, Kirker, Massie, Milligan, Morrow, Paul, Sargent, Tiffin, Wells, Woods, and Worthington were subsequently members of the General Assembly of Ohio.

Dunlavy became president judge of the Court of Common Pleas while Kitchel, Gatch and other delegates became associate judges.

Massie, McIntire and Wells won enduring fame as founders of towns and cities.

Putnam, Reily, Dunlavy and Massie had served in the war for American independence.

This brief survey confirms the judgment of Jacob Burnet that the ability of this pioneer constitutional convention was of a high average order. On following pages will be found more extended sketches of some of the members of the convention.

Charles Willing Byrd

Charles Willing Byrd was the son of Colonel William Byrd of Westover, Virginia, and his wife whose maiden name was Mary Willing. He was educated in Philadelphia as a lawyer and emigrated to Kentucky. He married the daughter of Colonel David Meade who was a sister of the wife of Nathaniel Massie. He was appointed by President John Adams secretary of the Northwest Territory in 1799, and became acting governor on the removal of Gen. Arthur St. Clair from office in 1802. He was a delegate to the convention that framed the first constitution for Ohio. A little later he was appointed United States district judge by President Thomas Jefferson and served as such until his death in 1828.

James Caldwell

James Caldwell was born in Baltimore, Maryland, November 30, 1770; received a liberal education; moved with his father to what is now West Virginia in 1772, and located on the present site of Wheeling; moved to St. Clairsville, Ohio, in 1799; merchant, and subsequently a banker; member of the constitutional convention which framed the first constitution of Ohio; clerk of court of Belmont County, Ohio, 1806-1810; captain in an Ohio regiment in War of 1812; member of the State Senate, 1811-1812; elected as a democrat to the Thirteenth and Fourteenth congresses (March 4, 1813, to March 3, 1817); again member of the State Senate, 1819-1824; resumed banking and mercantile business in St. Clairsville, Ohio; died in Wheeling, Virginia, in May, 1838; buried at St. Clairsville, Ohio.

Ephraim Cutler

Ephraim Cutler was born at Edgartown, Martha's Vineyard, April 13, 1767. He was the son of Manasseh Cutler and grandson of Hezekiah Cutler who was born in Lexington, Massachusetts, in 1707. Manasseh Cutler, the father of the subject of this sketch, was a graduate of Yale, a minister of the Gospel, a Revolutionary soldier, agent of the Ohio Land Company and member of Congress. Ephraim and his brother Jervis were taken to Killingly, Connecticut, when they were both quite young, and were left there in the care of their grandparents. Ephraim grew up on a farm but did not realize his grandfather's ambition by graduating at Yale. Lack of funds prevented this and his work was needed on the farm to support his aged grandparents. He had private instruction, was a great reader and acquired a good practical education.

On June 15, 1795, with his wife and children he left Killingly for the Ohio country. On the way he joined Col. Israel Putnam, Israel Putnam, Jr., and their families. After a long and sorrowful journey, on which he lost a son and a daughter and a number of the company were seriously ill, he reached Marietta on September 18, 1795. In October of the same year he moved with his family to Waterford on the Muskingum above Marietta and engaged with others in making salt for the settlements at the springs near that place.

Early in May, 1799, he moved to the new settlement of Ames, in what is now Athens County, Ohio. In September, 1801, he was elected a representative in the legislature of the Northwest Territory and later was chosen a delegate to the convention that framed the first constitution of Ohio. In the latter body he was one of the most active and influential members. He was, perhaps, the most radical of the little group of federalists in the convention and was the only delegate that voted against proceeding to form a constitution. On every roll call, when the issue was presented, he voted to accord to the negro the rights vouchsafed in the Declaration of Independence. He was one of the original abolitionists of the state and defended with persistence and vigor the anti-slavery clause in the Ordinance of 1787. After the convention he worked at surveying and farming. "Democracy was in the ascendant," he writes, "and I soon found myself nothing in the political drama but simply the justice of the peace for Ames township." In November, 1807, his wife died. On April 15, 1808, he was married to Miss Sallie Parker of Newburyport, Massachusetts.

He was a member of the House of Representatives of Ohio, 1819-1822 and a state senator, 1823-1824. In both of these bodies, as in the constitutional convention, he was active and influential. His son, William P. Cutler, was a member of the second constitutional convention of Ohio and a representative in Congress from Marietta district.

Ephraim Cutler left a journal and many valuable manuscript papers which form the basis of a substantial volume entitled "Life and Times of

Ephraim Cutler," by his daughter, Julia Perkins Cutler. This is a valuable source book of information on early Ohio history and matters of national interest. He died July 8, 1853.

Israel Donalson

Israel Donalson was born in Hunterdon County, New Jersey, February 2, 1767. The family later moved to Cumberland County in the same state, where young Donalson received a fair education. In 1787 he left his New Jersey home for the West. He first located in Ohio County, Virginia, where he remained until the spring of 1790. He farmed, taught school and on occasion took part in the Indian wars. He formed the acquaintance of Gen. Nathaniel Massie and in the spring of 1791 went to live in the stockade at Manchester. He aided Massie in making surveys. Near Wrightsville he was captured by the Indians and carried to the camp of their tribe. Here he was dressed after Indian fashion, had his hair decked out with feathers and a ring of tin put in his nose. A few days later by gnawing off the thongs that bound his limbs he escaped from the Indians and finally reached Fort Washington, the military post where Cincinnati now stands. In 1798 he married Miss Annie Pennyweight. In 1802 he was elected a delegate to the convention that framed Ohio's first constitution. He was postmaster of Manchester from 1801 to 1813. He served in the War of 1812. He was a devout member of the Presbyterian Church and lived till February 9, 1860, when he died at the advanced age of ninety-three years. He was a last surviving member of the constitutional convention of 1802.

Joseph Darlinton

Joseph Darlinton was born July 19, 1765, on his father's plantation near Winchester, Virginia. He was the fourth in a family of seven children. He had a fair education. After the surrender of Burgoyne, a prison camp was established on his father's plantation where British prisoners of war were kept until the close of the Revolution. He was greatly interested in what he learned from some of these of the outside world and longed to travel. His wish was in a measure gratified. He went to Philadelphia, thence by sea to New Orleans and back by boat by way of the Mississippi and Ohio rivers. On this trip he met Miss Sarah Wilson at Romney, Virginia, and afterward married her. She was heir to extensive lands and a number of slaves. Later he and his wife moved to Fayette County, Pennsylvania. While here he was elected county commissioner. In 1794 he moved to Limestone, Kentucky. In 1797, believing that the county seat of Adams County would be at Washington, below the mouth of Brush Creek, he moved there. He was appointed probate judge by Governor St. Clair. In 1803 he moved to West Union. He was a member of the Territorial Legislature, 1799-1802; delegate to the convention that framed the first constitution of Ohio; state senator, 1803; was an associate judge of Adams County; clerk of the Court of Common Pleas and of the Supreme Court; recorder of Adams County, 1803-1810, 1813-1834; brigadier-general of militia, and known as General Joseph Darlinton. He died August 2, 1851.

Francis Dunlavy

Francis Dunlavy was of Spanish Protestant ancestry. His forefathers fled from Spain to France and thence finally to Ireland. His father, Anthony Dunlavy, came to Virginia and settled near Winchester in 1745. Here Francis Dunlavy was born in 1761. The family moved to Washington, Pennsylvania. While here Francis, at the age of fourteen, volunteered to take the place of a neighbor who was in poor health and had been drafted to serve in the Revolution. From 1776 to 1782

the lad was almost continuously in the service of his country. In the latter year he was in Crawford's defeat.

After the close of the Revolution he was sent to Dickinson College to prepare for the ministry and continued his studies under his uncle, Rev. James Hoge. He finally concluded not to preach and became a teacher, conducting a classical school for some time in Virginia. In 1792 he came to Columbia, in Hamilton County, and taught school there with John Reily. He was a member of the Legislature of the Northwest Territory in 1801; a member of the convention that framed the first constitution of Ohio; state senator, 1803. He was president judge of the Court of Common Pleas 1803-1817; continued actively in the practice of law for twelve years. The later years of his life were devoted to study and the reading of books, chiefly religious. He became an active opponent of American slavery. His death occurred November 6, 1839.

Samuel Huntington

Samuel Huntington was born in Coventry, Connecticut, October 4, 1765. He was the adopted son of Samuel Huntington, one of the signers of the Declaration of Independence, president of Congress and governor of Connecticut. The subject of this sketch was graduated at Yale in 1785; was married in 1791 to Hannah, daughter of Judge Andrew Huntington; was admitted to the bar and practiced law in Norwich, Connecticut; moved to Cleveland, Ohio, in 1800; appointed by Governor St. Clair lieutenant colonel of militia in 1802; was delegate to the convention that framed the first constitution of Ohio; state senator and speaker of the senate, 1803; judge of the Supreme Court of Ohio, serving 1803-1808; governor of Ohio, December 12, 1808-December 8, 1810; moved to Painesville, Ohio, in 1805. He died June 8, 1817.

Samuel Huntington was considered a staunch federalist when he was elected as delegate to the constitutional convention of 1802. The federalist delegates from Marietta expected substantial aid from him. In this they were disappointed. On most of the issues before the convention he voted with the anti-federalists. When the subject of the rights of negroes was up before that body he seldom recorded his vote with that of his party colleagues. The anti-federalists, however, were also much divided on questions relating to the status of the negro and a number of them voted with the federalists from Marietta under the leadership of Ephraim Cutler and Gen. Rufus Putnam. Huntington's subsequent political preferment in the new state may have been the result of his attitude in the convention.

Thomas Kirker

Thomas Kirker was born in Ireland in 1760. At the age of nineteen years he came with his father's family to Lancaster County, Pennsylvania. After the death of his father he moved from Lancaster County to Kentucky, shortly after his marriage to Sarah Smith in 1790. In 1794 he moved to Adams County, Ohio, and settled in Manchester. Two years later he moved to Liberty Township, Adams County. He was a member of the first Court of Quarter Sessions held at Manchester in 1797. He was elected delegate to the convention that framed the first constitution of Ohio; was state representative, 1803, 1817; state senator, 1803-1814, 1821-1824. During most of his service in the Senate he was speaker. He was also speaker of the House of Representatives from December 15, 1816, until January 28, 1817. Before the close of the term of office of Governor Edward Tiffin in 1807 he was elected United States Senator. This left a vacancy in the governorship which was filled by Kirker as speaker of the Senate. Return Jonathan Meigs, Jr., received the most votes for governor in 1807, but did not serve because he was declared ineligible to the office at that time. Thomas Kirker suc-

ceeded to the vacancy thus created. He was a candidate to succeed himself, but was defeated by Samuel Huntington. He served as associate judge in Adams County for a little less than one year, 1821. In 1824 he was presidential elector and voted for Clay. He reared a family of thirteen children, and his descendants live in many states. He died February 20, 1837.

John McIntire

Among the early builders of cities in Ohio was John McIntire, "founder, patron and benefactor" of Zanesville. He was born at Alexandria, Virginia, in 1759; learned and practiced the trade of shoemaker; moved to Wheeling, Virginia, (now West Virginia); at the age of thirty-five years he married Sarah Zane, daughter of Col. Ebenezer Zane, whose "trace" through the wilderness between Wheeling and Maysville, Kentucky, became the basis of the National Road and Maysville Turnpike; aided his father-in-law in blazing Zane's Trace; was given a half interest in the mile-square tract of land granted to Zane, where the "trace" crossed the Muskingum River and where the City of Zanesville now stands; in 1799 moved with his wife from Wheeling to a comfortable cabin on the site of Zanesville; established a tavern there, the first in the town, which became famous in its day; delegate to the convention that framed the first constitution for Ohio; devoted his energies to the upbuilding of his town; headed an unsuccessful movement to have the state capital located there; launched the Zanesville Canal and Manufacturing Company and a project which included the construction of a dam across the Muskingum and a canal for manufacturing sites; died July 29, 1815, before a number of the improvements that he had planned were completed.

He left a large estate and careful provision for the completion of his larger projects. The provisions of his will were faithfully executed and his estate increased in value. He had provided generously for his widow and his adopted daughter, Amelia, stipulating that in case of the death of both, the estate was to be devoted to "the support of a poor school in the Town of Zanesville."

Amelia McIntire died at the age of twenty years. In 1836 the "poor school fund" had grown to a sum sufficient for the erection of Zanesville's first free school—the McIntire Academy, which was finally absorbed in the free school system of the state. The McIntire bequest was then used for the erection of the McIntire Children's Home, which is a living monument to the founder of Zanesville.

Nathaniel Massie

Nathaniel Massie was born in Goochland County, Virginia, December 28, 1763. He was of cavalier-English ancestry. His grandfather, Charles Massie, came with three brothers from Chestershire, England, to Virginia about the year 1690. His father, Nathaniel Massie, Sr., married Elizabeth Watkins in 1760. The subject of this sketch was their first child.

His grandson and biographer, Hon. D. Meade Massie, of Chillicothe, tells us that but little is known of his early years. He had three brothers and a sister. When he was eleven years old his mother died. His father two years later married again and he had "a large number of half brothers and sisters." He had a good education as evidenced by the correct English of his correspondence and the accuracy of the numerous land surveys that he made in the Virginia Military District of the Northwest Territory.

His father was a captain of militia and saw active service in the Revolution. The son, young Nathaniel, at the age of seventeen years, served in the militia of his county in the campaigns against the British

under Tarleton, and may have been present at the surrender of Burgoyne.

In 1783, at the age of twenty years, he moved to Kentucky, where Daniel Boone had located lands for his father. Here he spent much of his time locating and surveying claims for others. He made his first expedition into the Northwest Territory in 1788. He was appointed deputy land surveyor of Virginia military lands in 1790.

Preparatory to extensive surveys of lands north of the Ohio, Massie established a station on that side of the river in 1790 opposite the lower of the three islands, about twelve miles above the present Village of Maysville, Kentucky. This was first called Massie's Station and afterward Manchester. It was enclosed by a strong picket defense with block houses at the angles. From this point Massie's surveying expeditions were conducted.

He was actively engaged in surveying land in the Virginia Military District north of the Ohio from 1791 to 1793. His surveying party had a number of engagements with the Indians, one of the most serious near the falls of Paint Creek early in the year 1795, after which surveying in the Scioto Valley was abandoned for the remainder of the year. With his party he returned and between Paint Creek and the Scioto laid out the Town of Chillicothe in the spring of 1796. On April 1st of that year he commenced erecting the first cabins of the town, and those who came with him with their thirty plows turned the sod of 300 acres of prairie land and planted it in corn. The treaty at Greenville ended the Indian wars in this section and the town grew rapidly. He laid out the Town of Bainbridge in 1805 and other towns at different dates numbering in all about fourteen. His brother, Henry Massie, founded Portsmouth in 1803.

Nathaniel Massie was not, at the outset of his activities in the Ohio Valley, interested especially in politics, except as the attitude of those in authority affected his interests and rights in the field of his residence and business ventures.

When Adams County was organized, Massie was eager to have the Town of Manchester made the county seat. Governor St. Clair decided in favor of Adamsville, and as the Ordinance of 1787 was silent on the authority to name county seats, the people seemed not disposed to recognize either as the seat of justice.

In 1798 the first Legislature of the Northwest Territory was chosen. Massie was interested in the result. He and Joseph Darlinton were elected to represent Adams County in this first popular Assembly that convened within the present limits of Ohio.

When the Legislature met the following year a bill was passed fixing the seat of justice for Adams County at Manchester. Other bills were passed creating additional counties and fixing the seats of justice. At the close of the session these were all vetoed by Governor St. Clair and the foundation was laid for differences between him and the representatives of the people—especially those from Virginia and Kentucky—and the bitter struggle that resulted in the admission of Ohio into the Union and the lighting of the fires of partisanship in the Ohio country was inaugurated. The biographer of Edward Tiffin describes this as "a war to the knife and the knife to the hilt."

As the breach between St. Clair and his opponents widened, Massie became the most relentless of the Virginians in his hostility. St. Clair was a federalist and his opponents very naturally became anti-federalists. With not a few of them that was sufficient reason for their party allegiance. If St. Clair had been an anti-federalist they would probably have been federalists—so thoroughly had the personality of St. Clair become the basis of the contest.

Massie was elected to the Second Territorial Legislature and as delegate to the convention that framed the first constitution of Ohio, under which he served as state senator and speaker of the Senate in

1803; state representative in 1806 and 1809. He was an unsuccessful candidate for governor in 1807 against Return Jonathan Meigs and was later defeated for the United States Senate. He was Presidential elector in 1804 and 1808 and voted respectively for Jefferson and Madison.

In the spring of 1813, when the news came that Fort Meigs was besieged by the British and Indians, Massie raised a large number of volunteers in the Paint Creek Valley and Chillicothe and hastened to Franklinton, where he was chosen commander. Before he and his men reached Fort Meigs, however, they heard that the British had raised the siege and returned home. This was his last public service.

In 1800 he married Susan Everard Meade, of Kentucky, and they moved to a fine home that he had built near the falls of Paint Creek, about two miles west of Bainbridge. Here he lived happily the remainder of his days. He died November 3, 1813, before he had reached the age of fifty years. He left a large estate, and a wife and five children.

When it is remembered that Nathaniel Massie was a soldier of the Revolution and a volunteer officer in the War of 1812; that he came to the Ohio country and the Scioto Valley before the arrival of Tiffin and Worthington, and that in ability and party zeal he was the peer of either of these two members of the Virginia triumvirate that overthrew St. Clair, it may seem, as political rewards go, that he did not receive recognition proportionate to his services. This was probably due primarily to his indifference to political preferment. In a letter to Thomas Worthington, under date of February 8, 1802, after declining to be considered as a candidate to succeed Governor St. Clair in the event of his removal from office, Massie wrote in part as follows:

"I must be suffered to tell you that a short time hence I will not be seen in public life; not that I believe myself possessed of any extraordinary talents to render my country that service which at present she requires, but I believe, after a state government is formed, I can, with safety and peace of mind remain at home, where social happiness is only to be found."

The chief interests and ambition of Nathaniel Massie were to develop the resources of his adopted state, to clear away the forests, to encourage immigration, to found towns and cities, to build mills and factories, to lead in the material progress of the goodly land of his chosen home. He had faith in its future; he planned well, and accomplished much. In a very special sense he was one of the founders of the State of Ohio.

Jeremiah Morrow

Jeremiah Morrow was of Scotch-Irish ancestry. The name Morrow is a modification of the Scotch surname Murray. The grandfather of the subject of this sketch, Jeremiah Murray, a son of Scotch parents, a Covenanter, was born in Ireland and came from Londonderry to what is now Adams County, Pennsylvania, "a generation before the Revolution." He was the father of eight children, seven daughters and one son, John Morrow, who was born in 1743. John Morrow was the father of nine children, six daughters and three sons. The eldest son is the subject of this sketch.

Jeremiah Morrow was born on a farm in Adams County, Pennsylvania, about five miles from the present site of Gettysburg and four miles north of the Pennsylvania-Maryland boundary line, October 6, 1771. He was educated in the rural schools and for a short time attended an institution of academy grade.

In 1794 he started to the Ohio country; arrived in Columbia, near Cincinnati, in the spring of 1795; about two years later moved to his cabin in Warren County with his young bride; representative in the Legislature of the Northwest Territory, 1800-1802; delegate to the convention that framed the first constitution of Ohio; state senator,

1803; elected as an anti-federalist to the Eighth, Ninth, Tenth, Eleventh and Twelfth Congresses (June 21, 1803-1813); United States Senator, March 4, 1813-March 3, 1819; Presidential elector on Monroe ticket in 1821; governor of Ohio, December 28, 1822-December 19, 1826; state senator, 1827-1828; state representative, 1829-1830, 1835-1836; delegate to whig convention at Harrisburg, Pennsylvania, 1827; presided at whig convention in Columbus, Ohio, December 28, 1827, and February 22, 1836; officiated at laying of cornerstone of state capitol in Columbus, July 4, 1839; president of Little Miami Railroad, 1837-1845; elected as a whig to the Twenty-sixth Congress to fill a vacancy occasioned by the resignation of Thomas Corwin (December 7, 1840-March 3, 1841); elected as a whig to Twenty-seventh Congress (March 4, 1841-March 3, 1843); invited to a seat within the bar of the Second Constitutional Convention of Ohio, May 25, 1850; died on his farm in Warren County, Ohio, March 22, 1852.

Rufus Putnam

Rufus Putnam was born April 9, 1738, at Sutton, Massachusetts. His father was first cousin to Gen. Israel Putnam of French and Indian war and Revolutionary fame.

Rufus Putnam was left fatherless at the age of seven years. About two years later his mother married an illiterate man. His step-son received no schooling, but managed to learn to read and write and early developed a fondness for mathematics. He evidently did not relish orthorgraphy or English grammar. In this respect he was like Gen. George Rogers Clark. The English of his letters at times is bad and his spelling almost pathetic. His meager educational opportunities were responsible for this.

He grew up to sturdy manhood. His natural ability and energy were of a high order. He was integrity personified and patriotism incarnate.

In 1754, before he had reached the age of sixteen years, he was apprenticed to Daniel Mathews, a mill-wright, to learn that trade, which was then one of primary importance. He served his apprenticeship, mastered his trade and added somewhat to the meager education he had previously acquired.

He was deeply interested in the stirring events of the times. The French and Indian war was in progress and promptly at the conclusion of his apprenticeship, in March, 1857, he enlisted with the Colonial troops in the service of Great Britain. His first serious military experience was in the vicinity of Lakes George and Champlain. Here he met and learned greatly to admire his father's distinguished cousin, Israel Putnam, later a general in the Revolutionary army. He served to the end of his enlistment, was honorably discharged and three times subsequently reenlisted and served till the end of the war. He then went to his home which had been established at New Braintree, Massachusetts, where he married Miss Elizabeth Ayres, who died within a year. Four years later he married Miss Persis Rice. From this union a number of children were born.

Following his military service Putnam worked at the mill-wright trade and on the farm. His fondness for mathematics led him to the mastery of the rudiments of surveying, another vocation of importance in pioneer days.

In the winter of 1772-73, Rufus Putnam and Israel Putnam joined "The Military Company of Adventures" and sailed to Florida, Jamaica, Cuba and the mouth of the Mississippi River. Their object was to settle on lands promised to the Colonial soldiers who had served in the French and Indian war. They failed to receive grants of land, but Putnam remained for some time and surveyed for the Government portions of East Florida.

At the outbreak of the Revolution Rufus Putnam promptly enlisted in the Colonial army. In his previous military service he learned something of practical engineering and the knowledge thus gained was soon in demand for pressing the siege of Boston. By the construction of portable defenses he surprised the British and hastened their evacuation of that city. His early successes commended him to the favor of Washington and he was for a time the chief engineer of the American army. He was with the Northern army in 1777; in 1778 he, with Gen. Israel Putnam, constructed the fortifications at West Point. He was the colonel of a Massachusetts regiment and later colonel of a regiment in the famous legion of Anthony Wayne. In 1783 he was made a brigadier-general. He was aide to General Lincoln in Quellins Shay's rebellion in 1787.

After the close of the Revolution and the restoration of peace, officers of the American army to the number of 283 petitioned Congress for a grant of land in the western country in payment for their claims for military service. Rufus Putnam wrote a letter to Washington strongly supporting the petition of his fellow officers. The result of this movement was the organization of the Ohio company at the Bunch of Grapes Tavern in Boston.

This company appointed directors who chose Gen. Samuel H. Parsons to apply to Congress for the purchase of land. Later Manasseh Cutler was sent on this mission and succeeded in the purchase of the desired tract of land, under the Ordinance of 1787, the provisions of which met the desires of the Ohio company, its directors and its prominent active spirit, Gen. Rufus Putnam.

Having secured the tract of land, the adventurous spirits of the company, with Gen. Rufus Putnam as their superintendent, came overland to Western Pennsylvania and down the Ohio River in the Mayflower of the West to the site of Marietta, where they landed April 7, 1788, and founded the first permanent white settlement in the Ohio country. On July 15, 1788, the government of the Northwest Territory was permanently established here under the administration of Governor Arthur St. Clair.

Because of his leadership in the settlement of Marietta, Gen. Rufus Putnam has been called the "Father of Ohio."

It is not difficult to understand why he should be highly regarded by his fellow pioneers of the Northwest Territory. He conspicuously represented the struggles through which they had passed in two wars, their aspirations for liberty and independence and their faith in the young republic of the western world. Well might Judge Cutler say of his colleague in the Constitutional Convention of 1802:

"No man in the territory more entirely deserved and enjoyed the respect and confidence of the people than Gen. Rufus Putnam. He with General Tupper originated the idea of the Ohio company and had been selected as leader and superintendent of the colony that made the first settlement at Marietta, a position for which he was well fitted by his good judgment, intelligence and decision of character. He had served as a private soldier in the Old French and Indian wars, and also with great distinction throughout the Revolution, as a military engineer and as an officer. * * * President Washington commissioned him, in 1792, a judge of the Supreme Court of the territory and in 1796 the surveyor general of the United States. He was faithful and energetic, a Christian as well as a patriot."

In the Constitutional Convention on a very few occasions General Putnam spoke at considerable length and with great effectiveness. He was strongly opposed to slavery and vigilant that nothing to encourage it should find its way into the Constitution. He died in Marietta May, 1824.

John Reily

John Reily was born in Chester County, Pennsylvania, April 10, 1763. When quite young he went with his parents to Augusta County, Virginia. In 1780 he joined the Revolutionary army and served eighteen months in the southern department under Gen. Nathaniel Greene; participated in the battles of Guilford Courthouse, Canden and Eutaw Springs; remained at his home in Virginia two years after the close of the Revolutionary war; went to Georgia and purchased a warrant for a 1,000 acres of land, which he was prevented from occupying by the hostility of the Indians; moved to Tennessee, thence to Kentucky and settled near Danville; moved to Columbia, near the present site of Cincinnati in 1789, where in the year following he opened the first English school taught in the Miami country; was joined in 1791 by Francis Dunlavy, who took charge of the classical department of the school. He was frequently in military service in the war with the Indians and in 1791 went to the relief of the garrison at Dunlap's Station, situated on the east bank of the Great Miami River, opposite the Town of Venice. In January, 1792, he accompanied an expedition to the scene of St. Clair's defeat and assisted in burying the dead left on the field in the disastrous battle of the previous November. In 1793 he transferred his interests in the school at Columbia to his associate, Mr. Dunlavy. He afterward returned to his school, where he continued to teach until April, 1794. He served as an assistant of the clerk of courts of Hamilton County till 1799; later in that year was elected clerk of the Legislature of the Northwest Territory and continued in this capacity till 1801. He was a delegate to the convention that framed the first constitution of Ohio. In 1803 he moved to Hamilton, Ohio, where he served as clerk of courts and clerk of the Supreme Court, which positions he held until 1840 and 1842, respectively; was recorder of Butler County, 1803-1811; clerk of the board of county commissioners, 1803-1819; postmaster of Hamilton, Ohio, 1804-1832; trustee of Miami University, 1809-1840. He died June 7, 1850.

John Smith

John Smith was born in Virginia in 1735. His early educational advantages on the extreme western frontier were very meager. He was ambitious to learn, however, and acquired a common school education. He was gifted with natural ability and soon recognized as a leader among his fellow frontiersmen. He united with the Baptist Church, was soon recognized as a popular preacher and in 1790 founded at Columbia, Hamilton County, the first church of that denomination in the Northwest Territory. He was elected a member of the First Territorial Legislature, which met in 1798; was chosen a delegate to the Constitutional Convention of 1802 and took high rank in that body of frontier statesmen. He was a Jeffersonian democrat and aided materially in bringing about the early admission of Ohio into the Union. Because of this political alignment and his recognized ability he was elected one of the first two United States senators from that state. He shared in a high degree the confidence of President Jefferson. In 1804 the President sent him to Lousiana and Florida, then Spanish possessions, to prepare the way for their annexation to the United States. His mission was entirely successful, but its purpose was for the time thwarted by the hostile attitude of France.

The future of Senator Smith at this time was very bright, but without warning a cloud suddenly settled over his political career and he became a martyr to his fidelity to his friendship for Aaron Burr. Burr had presided as Vice President of the United States over the Senate and Smith became well acquainted with him. When Burr

came to Cincinnati on his ill-starred expedition Senator Smith invited him to his home and entertained him. When the storm burst over the head of Burr most of his former friends and followers deserted him and vied with each other in denouncing him. Smith did not believe him guilty and refused to be stampeded into an act of hostility. For this reason he was himself denounced as a co-conspirator and a resolution was introduced into the Senate of the United States to expel him from that body. It failed by a single vote. In the meantime the Legislature of his own state asked him to resign, and he complied with the request, retiring from the Senate in 1808. He was now past seventy years old and did not live to see the cloud entirely lifted from his reputation. He died in Cincinnati, June 10, 1916.

He lived, however, long enough to see popular favor turn again in his direction. Most of his constituents came to believe him guiltless of anything except personal friendship for Burr, and those of the opposite political party who had served with him in the Territorial Legislature and in the constitutional convention, in after years paid high tribute to him. Judge Jacob Burnet, who had himself served in the United States Senate, in speaking of the men who made up the Territorial Legislature, said: "John Smith, of Hamilton County, was scarcely excelled by any member in either House in native talent and mental energy." In speaking of the Burr episode Judge Burnet adds: "Mr. Smith was a firm, consistent man, not easily alarmed; he solemnly affirmed his belief that Colonel Burr was not engaged in any project injurious to the country, and refused to join in the outcry against him or to aid in the measures that were taken to procure his arrest. The consequence was, he himself was denounced and a bill of indictment found against him, which was, however, abandoned without an attempt to bring him to trial."

Judge Ephraim Cutler, the staunchest Federalist in the Constitutional Convention of 1802, always speaks with respect of Mr. Smith as one of the strongest men of the opposition. In an estimate of the men of the convention he says: "The scantiness of detail in the journal leaves much obscure as to the proceedings of the convention and much unsaid of the part taken by such men as Reily, Smith, Dunlavy and other men of talent and intelligence, which, if known, would increase respect for them, and whose labors for the public interest should be remembered."

Edward Tiffin

Opposition to Arthur St. Clair, governor of the Northwest Territory, led to the organization of the Jeffersonian Democracy in the Ohio country whose supreme political desire was the removal of that chief executive and the admission of Ohio into the Union. Of the active spirits of that organization, the most versatile, resourceful and popular was Edward Tiffin.

Any sketch within our prescribed limits must be inadequate. A brief outline of his interesting career must suffice.

He was born in Carlisle, England, June 19, 1766; received a fair English education; studied medicine; came to the United States in 1784 and located at Charlestown, Virginia; attended lectures in the medical department of the University of Pennsylvania and was admitted to practice at the age of twenty-one years; ordained, by Bishop Asbury, a deacon in the Methodist Episcopal Church, November, 1792, and authorized to preach; moved to Chillicothe, Northwest Territory, April 27, 1798; member and speaker of the House of Rrepresentatives of the Northwest Territory two terms, 1789-1801; delegate to and president of the convention that framed the first constitution of Ohio; first governor of Ohio and reelected, serving March 3, 1803-1807; elected as Jeffersonian Republican-Democrat to the United States

Senate and served from March 4, 1807 to March 3, 1809, when he resigned; state representative and speaker, 1809-1812; United States commissioner of the General Land Office, 1812-1814; surveyor general of the Northwest Territory, 1814 to 1829; removed from office by President Andrew Jackson, July 1, 1829; died in Chillicothe, August 9, 1829.

This sketch of his active career does not portray the character of the man and his public services through an interesting and crucial period of our state and national history. In this formative era of Ohio, he seems to have led by virtue of his persuasive and magnetic personality, his recognized ability and his versatility that gave him so many points of contact with the pioneer citizens of the Northwest Territory and the Buckeye commonwealth.

His English birth and early education must have been something of a handicap when revolutionary service or kinship was still a passport to political preferment. But his cultured and affable manner, his broad sympathies, good judgment and unwavering rectitude, all reflected in a pleasing physiognomy, if we may trust the portrait artist of that early day, made him a natural leader of the cause and the party of his espousal.

He naturally dominated without effort the socalled "Virginia Junto," consisting of Thomas Worthington, Nathaniel Massie and himself, who were the head and front of the opposition to Governor Arthur St. Clair. Massie does not seem to have been as politically ambitious as Tiffin or Worthington, and the alliance of the two latter was confirmed by a closer tie. Tiffin had married the sister of Worthington.

It seems that very early in life Tiffin was ambitious to hold office. When he came to the Northwest Territory in 1798, he brought with him a recommendation that any youth of that day might covet. It was a letter of introduction and commendation from George Washington to Governor Arthur St. Clair and read as follows:

"January 4, 1798

"Sir: Mr. Edward Tiffin solicits an appointment in the territory northwest of the Ohio.

"The fairness of his character in private and public life together with a knowledge of law, resulting from close application for a considerable time, will, I hope, justify the liberty I now take in recommending him to your attention. Regarding with due attention the delicacy as well as the importance of the character in which I act, I am sure you will do me the justice to believe that nothing but the knowledge of the gentleman's merits, founded upon long acquaintance, could have induced me to trouble you on this occasion.

"With sincere wishes for your happiness and welfare, I am, etc., etc.

"Geo. Washington."

In the first year of his residence in the Northwest Territory, Tiffin was appointed prothonotary for the County of Ross, an office which he held continuously "until the beginning of the January term" of the Court of Common Pleas in 1803; and a little later in the year, on the third Monday of December, 1798, he was elected representative to the First Territorial Legislature. When that body convened in the following year he was chosen speaker. He was reelected in 1801 and again chosen speaker.

His activities were now varied and unremitting. In January, 1803, a little less than five years after his arrival in the territory, he had been elected a member and chosen speaker of the House of Representatives in two territorial legislatures, delegate to and president of the convention that framed the first constitution of Ohio, and was, at that time prothonotary of Ross County and governor elect of Ohio. Through these years he actively engaged in the practice of medicine and almost

every Sabbath day preached for one of the Methodist congregations that he was engaged in organizing and promoting.

At the end of his second term as governor of the new state, he was chosen by the Legislature to represent it in the United States Senate. While in Washington the country was excited by the Burr conspiracy, which involved in a maze of suspicion his colleague and former political associate, John Smith. After hearing and carefully considering all the testimony against Smith and the statement of the accused senator in his own defense, Tiffin voted for his expulsion. It required a two-thirds vote to expel a senator and Smith escaped by a single vote.

While in the Senate Tiffin had an opportunity to record officially his attitude toward the introduction of slavery into the Northwest Territory. In 1807 the Legislature of Indiana Territory passed resolutions a second time requesting Congress temporarily to suspend Section VI of the compact in the Ordinance of 1787 and admit slavery into that territory. These resolutions were referred to a committee of three senators, of which Tiffin was one. The committee unanimously reported against the petition and the Senate by a decisive majority adopted the report, Tiffin again voting against even a temporary introduction of slavery into the Indiana Territory. Tiffin's wife died and he was almost prostrated with grief. He resigned the senatorship and returned to Chillicothe, resolved to retire from public service. When his great grief had abated he became a candidate for state representative, was elected and served two terms in that body as speaker.

In the mean time he had married again and in 1812 accepted the newly created position of commissioner of the General Land Office under President Madison. This took him again to Washington. Here with his family he remained two years. While in this position the national capital was captured, sacked and burned by the British. The conduct of President Madison and his cabinet in this critical juncture showed clearly that they not only considered "discretion the better part of valor," but improved on the ancient adage:

"He that fights and runs away
May turn and fight another day."

They did not even fight before they ran away. After riding bravely forth "to meet the enemy," the President, "commander in chief of the army and navy," together with his advisers, precipitately retreated with any thought of fighting on another day. Their panic spread to the ranks of the militia and the City of Washington was abandoned without a defensive blow.

In the midst of this confusion, excitement and stampede, Edward Tiffin, in his office, kept a cool head and arranged to have the records of the General Land Office taken to a place of safety ten miles from the capital city, where they remained until after the retreat of the British, when they were returned to Washington without the loss of a document or manuscript. The saving of these priceless papers was worth much more to the Government than the aggregate of all the salaries received by Tiffin in his entire public service. Practically all of the archives of the other departments abandoned by the flight of their custodians were committed to the flames by the invaders.

Edward Tiffin was ardently attached to his home state and home town. He did not care for the social life of the national capital. He longed to return to the scenes of his early political and professional activities and triumphs. This desire led him to arrange with his good friend, President Madison, for an exchange of the position of commissioner of the General Land Office for that of surveyor-general of the Northwest, then held by Josiah Meigs, of Cincinnati, to the entire satisfaction of the latter, who preferred the Washington position, which was a promotion. Tiffin then had the office of his new position

transferred from Cincinnati to Chillicothe, where he lived very happily the remainder of his days in the enjoyment of the office and the greater enjoyment of old time friends and associates. He held his position for nearly fifteen years, serving under Presidents James Madison, James Monroe and John Quincy Adams.

His life during this period, his biographer tells us, was almost ideal. In the midst of his increasing and happy family, surrounded by a host of friends, visited at times by distinguished guests, including on one occasion, President James Monroe, again entering upon the practice of medicine for the benefit of the poor who could not afford to pay for such service, and ministering again to Methodist congregations, life for him moved onward toward its late afternoon with a larger share of rational enjoyment than is usually the lot of even the elect of happy fortunes.

In the era of good feeling that came with the administration of President Monroe, Tiffin ceased to be the partisan that he was in the early years of his political career. Though he never publicly renounced his allegiance to the democratic party, he was known to be an admirer of Henry Clay and is believed to have supported him. In 1828 illness prevented him from going to the polls and his preference for President seems to have been in doubt.

His health continued to fail and at times he suffered great pain, which he endured with Christian fortitude.

One day a shadow fell across the doorway of the room in which he lay on a couch. It announced the approach of his successor, who brought the news that President Andrew Jackson had removed him from the office of surveyor-general. The head of the new military democracy thus ended the political career of Edward Tiffin, chief among the founders of that party in the great Northwest.

It is said there is no sentiment in politics. Jackson had probably heard that Tiffin did not vote at the preceding election and sent his faithful political follower to Tiffin's sick chamber with the notice of decapitation.

One month and eight days later, August 9, 1829, Edward Tiffin breathed his last. Three days later the Scioto Gazette concluded an editorial appreciation with the following just and sincere tribute:

"In all the various relations of parent, husband, neighbor and citizen he has been rarely equalled and never excelled. As a public servant he was inflexibly just, upright, independent and firm—an honest and conscientious man."

Assuredly Ohio may take just pride in the character and achievements of her first governor.

Bezaleel Wells

Bezaleel Wells, of English ancestry, was born in Baltimore in 1772. He was liberally educated—a graduate from William and Mary College. He was a Government surveyor and was granted 1,100 acres of land, west of the Ohio River, extending southward from what is now North Street, Steubenville, Ohio. James Ross, former United States Senator from Pennsylvania, owned a large tract of land joining on the north the tract owned by Wells. The two jointly laid out the Town of Steubenville, naming it after Fort Steuben, which was named in honor of Frederick William Augustus Baron Von Steuben, the German officer who came to aid the patriot cause in the American Revolution.

Wells was a man of splendid physique and noble bearing, whose presence would command attention in any assembly. He had faith in the future of the town of which he was joint founder, and devoted his energies to making it a great manufacturing city. To every local enter-

prise he gave a helping hand. He was interested not only in Steubenville but the surrounding country, and is credited with having early introduced Merino sheep to furnish wool for a manufactory which he established in 1814. At one time he was considered the wealthiest man in Eastern Ohio, but unfortunately he later met with reverses and for a time is said to have been imprisoned for debt. He died in 1846.

Bezaleel Wells was one of the able men of the constitutional convention of 1802. His associates bear uniform testimony to that fact. Judge Ephraim Cutler said of him:

"No member of the convention was more generally respected than Mr. Bezaleel Wells. He was a truly noble man, well informed, collected and dignified in appearance. Although he was born in a slave state and many of his family connections were slave owners, his vote and influence always went against slavery. There are few men who, in the heat of debate, may not say some things they shall wish unsaid, but it was not so with him; his mind was so well balanced that he was at all times clear, calm and candid in his statements."

Again in 1820, Judge Cutler, then a member of the General Assembly of Ohio, wrote from Columbus:

"Mr. Bezaleel Wells is also here on business. His brow is somewhat wrinkled with care and his head silvered with time; but he still retains that noble, dignified air you have often heard me mention that he possessed in a superior degree."

Mr. Wells was not politically ambitious. He served as state senator in the first General Assembly under the constitution that he helped to frame.

The building of cities attracted him, and he became not only one of the founders of Steubenville, but chief founder of Canton, Ohio, that has surpassed in population the city where he lived and labored long on the banks of the Ohio.

Thomas Worthington

Thomas Worthington was of English ancestry. His forebears were loyalists in the reign of Charles I. Their estates were sequestered and the family was banished on the ascendancy of Oliver Cromwell. Two brothers came to America, one of them with his little son Robert, who became the grandfather of the subject of this sketch, settled in Virginia.

Thomas Worthington was born in Jefferson County, Virginia, July 16, 1773. He was left fatherless at an early age, and his mother married again. When he was fourteen years old, General Darke, a revolutionary officer, became his guardian and so faithfully administered the estate left to his ward that it greatly increased in value. When young Thomas reached his majority he was in possession of property in the form of lands and slaves. The latter he freed before starting to the Northwest Territory. His sister, who married Edward Tiffin, did likewise. They took this action after due deliberation because they believed that it was wrong to hold property in human beings.

Thomas Worthington married Eleanor Van Swearingen, December 13, 1796. In 1798 he came with his wife, his sister and his brother-in-law, Edward Tiffin, to Chillicothe, Ohio.

He served as a member of the Territorial Legislature from 1799 to 1801. He was a delegate to the convention that framed the first constitution of Ohio. He had been especially active in the advocacy of the early admission of the state and was one of the "Virginia triumvirate" that waged successful political warfare against Governor Arthur St. Clair. He represented the interests of his party in Washington and exerted great influence in securing the passage of the enabling act for the admission of Ohio into the Union. He was United States Senator from Ohio from April 1, 1803, to March 3, 1807, and was again elected to that office to fill a vacancy caused by the resignation of Return Jon-

athan Meigs, Jr., serving from December 15, 1810, to December 1, 1814, when he resigned. He was elected governor of Ohio twice and served from December 8, 1814, to December 14, 1818. He was canal commissioner from 1818 until his death in New York City, June 20, 1827.

Thomas Worthington was the father of James T. Worthington, a member of the Second Constitutional Convention of Ohio, and grandfather of Rufus King, vice president of the Third Constitutional Convention of Ohio.

His daughter late in life left a very interesting private memoir of her father which throws much light upon the enterprise, privations, domestic relations, defeats and triumphs of the pioneers of Ohio. She frequently directs attention to his attitude on the question of slavery and gives an interesting account of his effort to care for the slaves that he had emancipated, many of whom came with him to the Northwest Territory. While in the United States Senate, Worthington was active in support of movements for internal improvements, especially for the building of the Old National Road, which was an extension of Cumberland Road. He has sometimes been called the "father of the American system of public improvements." He was especially active in advocacy of the building of the Ohio Canal System.

In writing of him his daughter says:

"In politics my father was never a violent party man—he could not be. His natural instincts were all conservative; but his early associations had inclined him to regard with favor many of the theories of the Jeffersonian School. As senator he advocated all measures that he considered advantageous to the welfare of the country or to repress foreign aggression. Yet, on this question of an immediate declaration of war against England he voted in opposition to the democratic party, on the ground that a few months more or less could have little influence on the question at issue; but such a delay would give us invaluable time to prepare the materials for warfare, in which we were deplorably deficient."

When, however, the Nation declared war, he did everything in his power to insure success for the American cause. His daughter records a daring incident, not previously published, of his experience in that war in 1813. Worthington, with Maj. William Oliver and a friendly Indian by the name of Logan, all disguised as Indians, worked their way through the British lines when Fort Meigs was besieged, and Worthington threw into the fort an arrow with a letter attached which gave assurance that forces were on their way to raise the siege. Having performed this dangerous mission, the three returned in safety.

Worthington gave other evidence in his public service that he was not a bitter partisan. Although he was a democrat and of course voted for Madison, he did not hesitate to criticise the action of the President. Here is an extract from one of his letters in regard to the capture of Washington:

"I can have no doubt that our difficulties proceed, in a great measure from bad management. There are not, within the records of history, so far as my knowledge extends, any circumstances more shameful than those connected with the invasion of this city. From Mr. Madison, however good his intentions may be, I fear we have nothing to expect. The habits of his whole life have rendered him unfit for the position in which (I say) he has been most unfortunately placed."

A little later the same year, in a letter he wrote:

"The people will dismiss those who have so mismanaged their affairs and replace them by others of more capacity. This is already begun and will progress. In Maryland, Ringgold and Doctor Hunt are both displaced and federalists elected. The federalists are becoming aware of this, and that there is a fair prospect of their getting into power, and this will aid in supporting the country. If they do so I am persuaded the people will put them in power. In addition to this, many men on the republican side have lost all confidence in the measures heretofore pursued."

It appears that in 1819 Worthington's friends urged him to become again a candidate for the United States Senate. He was opposed by Col. Allen Trimble, of whom the daughter of Worthington writes as follows:

"Colonel Trimble, of Highland, a reputable man, undistinguished by intellectual abilities or civil service of any kind, but who had been dangerously wounded in the war, was prompted either by his own ambition or by obsequious friends, to present himself as a candidate for the senatorship, and in order to secure it had so little self respect as to pass the winter in Columbus exhibiting his wounds to the indiscriminate herd of legislators as a claim which demanded of them the compensation that would gratify his ambition. He gained it, as multitudes of others have done, without a single qualification of fitness or capacity or education, and my father was set aside."

Here we have an exhibition of filial disappointment that not infrequently comes with political defeat. This disappointment was soon forgotten, however, in the contemplation of the invaluable services that Thomas Worthington had rendered the State of Ohio and the Nation.

Officers and Members of the Convention That Framed the First Constitution of Ohio, 1802

Officers

Edward Tiffin	President
Thomas Scott	Secretary

Members

Names of Delegates	*County*
Abbot, David	Trumbull
Abrams, Henry	Fairfield
Bair, Rudolph	Jefferson
Baldwin, Michael	Ross
Browne, John W	Hamilton
Byrd, Charles Willing	Hamilton
Caldwell, James	Belmont
Carpenter, Emanuel	Fairfield
Cutler, Ephraim	Washington
Darlinton, Joseph	Adams
Donalson, Israel	Adams
Dunlavy, Francis	Hamilton
Gatch, Philip	Clermont
Gilman, Benjamin Ives	Washington
Goforth, William	Hamilton
Grubb, James	Ross
Humphrey, George	Jefferson
Huntington, Samuel	Trumbull
Kirker, Thomas	Adams
Kitchel, John	Hamilton
McIntire, John	Washington
Massie, Nathaniel	Ross
Milligan, John	Jefferson
Morrow, Jeremiah	Hamilton
Paul, John	Hamilton
Putnam, Rufus	Washington
Reily, John	Hamilton
Sargent, James	Clermont
Smith, John	Hamilton
Tiffin, Edward	Ross
Updegraff, Nathan	Jefferson
Wells, Bezaleel	Jefferson
Wilson, John	Hamilton
Woods, Elijah	Belmont
Worthington, Thomas	Ross

CHAPTER III

FROM THE CONSTITUTION OF 1802 TO THE CONSTITUTIONAL CONVENTION OF 1850-1851

Growth of Ohio—Demand for New Constitution Prior to 1850

In 1800 the population of the Northwest Territory, including the present states of Ohio, Indiana, Illinois, Michigan, Wisconsin and a portion of Minnesota, was only 45,365. The census for 1810 showed for Ohio alone a population of 230,760, a remarkable increase of more than 500 per cent over that of the entire territory ten years before. The following decades continued to show a marked and substantial growth. The population in 1820 was 581,295; in 1830, 937,903; in 1840, 1,519,-467; in 1850, 1,980,329.

Two influences contributed to the rapid settling up of the state.

1. Its natural resources.
2. Its free institutions.

With a climate of extremes in temperature and humidity, with a generous rainfall, equitably distributed through the year, experience has shown that this region is well adapted to the vegetable and animal life of the temperate zone, the favorite abode of man in a civilized state. In almost every portion of the state springs gush from the earth and unite their waters in streams that flow into our rivers and lakes. The land is generally fertile, in some portions remarkably so. Here may be produced an abundance of cereals, grasses and fruits. For raiment, flax may be gathered from the fields and wool shorn from the flocks. Conditions are favorable to the raising of live stock and the hills abound in mineral wealth. The varied and abundant resources invite to many departments of human endeavor. An orator at a local Ohio gathering once said, "Shut this county out from all the rest of the world, and man could labor and live here in the full enjoyment of civilized life." The element of truth in this statement has invited to that diversification of industry and enterprise so necessary to a growing and prosperous state.

The migration to the Northwest was greatly accelerated by the attractive force of free institutions—the charters of civil and religious liberty, the ordinance of 1787 and the first constitution of Ohio. It is scarcely necessary to quote from the former its familiar provision: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted."

The motives that led to the adoption of this provision by the Continental Congress have been the subject of much speculation. Why did the members from the slaveholding states vote for it? It is claimed that their action was not wholly disinterested—that they feared commercial competition with the Northwest and thought that by depriving the territory of slave labor they might secure an advantage over those who should migrate to this region. With slave labor, Virginia could deliver farm products in the markets at less expense than could prospective competitors across the river. If this was the logic of the Southern leaders, it was reversed by the logic of history.

Character of Early Immigration

The beacon light of liberty that the founders raised in the wilderness called over the mountains and across the river a people alien neither in race nor in spirit to our institutions. Among them were the demure and peaceful Quakers from North Carolina and Pennsylvania, the sturdy Puritans from New England, and the ambitious and politically dominant pioneers from Virginia. In the ranks of these adventurous and enterprising spirits were those who had shown their devotion to the infant republic on the fields of the Revolution. When Lafayette, on his tour through our country, visited our state in 1825, he portrayed, in his brief, impromptu speech at Cincinnati, published in full on another page of this volume, the fact and the cause of our rapid development as a state:

"The highest reward that can be bestowed on a Revolutionary veteran is to welcome him to a sight of the blessings which have issued from our struggle for independence, freedom and equal rights. Where can these enjoyments be more complete than in the state of Ohio, where even among the prodigies of American progress we are so particularly to admire the rapid and wonderful results of free institutions, free spirit and free industry."

Free institutions, free spirit and free industry—these attracted Puritan and Quaker and Cavalier, and fused them on the altar of freedom.

The influences here set forth were not the only ones that were active in the building up of our state. They were the most important, however. The others were collateral and contributory.

With the rapid growth of our state came a corresponding development of agriculture. The diversification of our industries had its inception early, but it became conspicuously prominent subsequent to 1850.

Internal Improvements

The people early realized the need of better facilities for transportation. Roads were to be hewn out of the forest; navigable streams were to be improved and utilized, and following the example of New York, under the guidance of DeWitt Clinton, our state inaugurated a system of canals to connect Lake Erie and the Ohio River. A way must be provided to transport the surplus products of the farm. This the state undertook to do. The first constitution, while it did not contemplate this assumption of power, offered no bar to the system of internal improvements that was gradually developed under the fostering care of paternal legislation. Turnpikes, reservoirs and canals were constructed. While they materially accelerated the development of the resources of the state, they brought with their advantages the burden of debt to the shoulders of the people. An enterprise so vast as the canal system could not be undertaken in that day by private capital, and the state was ill prepared to complete and administer with credit to itself the work that it essayed with vigor and enthusiasm to accomplish.

Jefferson has already been quoted in favor of providing frequent opportunity for amending or revising state constitutions. It is apparent that the need of change is dependent in no small measure upon the character of the constitution. One may be made so brief and general in its provisions that it will serve for a long time or possibly for all time. The preamble of our national Constitution could not be much improved. Perhaps it would not be changed at all if our ablest statesmen were to rewrite that Constitution today. The bill of rights in our first constitution in substance, if not in form, will doubtless, in the future as in the past, be a part of any constitution that the people of Ohio may adopt.

The constitution of 1802 contained provisions less flexible than those in its bill of rights, and it was doubtless these that Jefferson had in mind when he criticised that instrument as, on the whole, too detailed and

specific. The article which for this and other reasons was first proven inadequate and ill adapted to the changing conditions of our rapidly expanding population was the one relating to the judiciary. Its chief defect grew out of the fact that it made the whole judicial system subject absolutely to the Legislature. This in part grew out of the belief, generally prevailing in our country, that the people were not to be trusted with the direct election of their officials, that this power was to be delegated to a more select body chosen by them—in the new State of Ohio, to the Legislature. The result was that the judicial department, which should be the most independent of all, was made the creature of the law-making body.

Briefly summarized, the article of the constitution relating to the judiciary provided for a Supreme Court of three members. After 1807 the number could be increased to four. The judges had original and appellate jurisdiction in common law and chancery "in such cases as directed by law," conserved the peace throughout the state and held court once a year in each county. Provision was also made for Courts of Common Pleas. The state was divided into three circuits, with a president

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From a print made about 1860.

judge in each. Not more than three nor less than two associate judges were chosen in each county. A president judge and not less than two associate judges constituted a quorum for the transaction of business in the Common Pleas Court. Justices of the peace were chosen by popular vote. All judges were chosen by the General Assembly, and the road to the judicial ermine was not infrequently through that body. The ambitious candidate was often first elected to the House or Senate, where he could take a hand at the log-rolling for higher honors. If not a member of the Legislature, he had in that body a band of retainers looking after his "interests."

Judicial System Becomes Inadequate

In spite of the subordination of the judiciary, there were sometimes clashes between that department and the Legislature. In 1807 occurred a sensational encounter. Judge Pease, president of the Third Judicial District, decided that the law passed by the General Assembly, giving justices of the peace jurisdiction in cases exceeding $20, was unconstitutional. In this he was sustained by Judges Huntington and Todd of the Supreme Court. For this exercise of authority, Judges Pease and Todd were "brought to time" and impeached by the General Assembly. Judge Huntington was elected governor, and for this reason charges were not preferred against him. The other two judges were tried before the state Senate, sitting as a high court of impeachment, and acquitted.

Not satisfied with the attempt to remove these judges for declaring a law unconstitutional, the Legislature in 1810 demonstrated its absolute and irresponsible supremacy by passing the famous "sweeping resolution" which removed all judges of the Supreme Court, of the Court of Common Pleas, and justices of the peace. It is needless to say that this precipitated almost endless confusion.

With the rapid increase of population the courts were soon far behind their work. They were so clearly inadequate to the demands upon them that as early as 1817 Governor Worthington suggested the calling of a convention to amend the constitution. Governor Brown in 1818 renewed the suggestion, and a year later, in his annual message to the Legislature, strongly recommended a complete revision of the judicial system. "The plan," said he, "that might have been sufficient in 1803 is but ill adapted to the altered state of our affairs in 1819."

The proposition to call a convention was submitted to the people in the fall of 1819 and overwhelmingly defeated, the vote standing, for the convention, 6,987; against it, 29,315.

It is doubtless true that the overwhelming majority of voters, who

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seldom had occasion to go before the higher courts, cared little whether the Supreme Court spent the major portion of its time riding over the state on horseback or comfortably seated at the state capitol; and Ohio had not then ventured upon the project of internal improvements, including a system of canals that drained the treasury and threatened bankruptcy. In 1819 the people preferred to retain the constitution as it was then rather than to risk a revision and incur the expense of a convention.

There was, however, among those who had to do with the courts a continued and increasing demand for the reform of the judiciary. Governor Shannon in his annual message of 1847, spoke emphatically on this subject:

The only defect in the constitution as applicable to our present condition, which, in my judgment, could justify a call of a convention to alter or amend it, consists in the defective organization of our judicial system and a total inability of our Supreme Court, under the existing form of the constitution, to transact the mass of business brought before it. The constitution limits the number of judges of the Supreme Court to four, requires two to constitute a quorum to do business and directs that the Supreme Court shall be held once a year in each county of the state. * * * It has become so loaded down with business as to render it impossible for the judges, with all their known industry and talent, to dispose of it in a manner satisfactory to themselves or with due regard to the rights of parties.

In an address delivered before the Ohio House of Representatives, January 16, 1847, Clement L. Vallandigham said on the same theme:

Now the number of counties—and they are rapidly increasing—is eighty-two; so that these four judges are required to hold no less than

eighty-two separate courts in each and every year, flying for that purpose over the whole vast territory of Ohio. * * * Only think, sir, of your Supreme Court, the last depository of the tremendous powers and possibilities of the judiciary, turned into a flying express and running a tilt against the wind on a trial of speed; today at Cleveland on the lake, hanging a man by the neck till he is dead; tomorrow in Cincinnati consigning some helpless wretch to the ignominy and the horrors of the penitentiary, or ejecting an unlucky suitor in that great city from a homestead worth millions, on which he had spent the most valuable part of a lifetime.

While governors and judges and legislators were advocating a constitutional convention to revise our judicial system, the people, as we shall soon see, had other reforms for which they wished to make provision in the fundamental law of the state.

Progressives and Conservatives for a New Constitution in 1849

The agitation in favor of a new constitution at last became somewhat general. The people had ceased to venerate the old constitution and now began to lay upon it the burden of their misfortunes. Heavy taxes, the "insolence of office and the law's delay" were charged to this source. Like a party long in power, the constitution was held responsible. It is not known that a blighting frost late in springtime or a battering hail storm in mid-summer, or a withering drought in August would have been charged to the dear old constitution, but without exaggerating it may be said that the afflictions of the people, with little regard to their character, were traced to that instrument. In all seriousness, many of its provisions had outlived their usefulness and the time was ripe for a change.

Early in January, 1849, while a bill to submit to the people the proposition of holding a constitutional convention was under consideration in the state Senate, after having passed the House, Governor Bebb, in his annual message to the General Assembly, urged the proposed submission because he believed that all officers, legislative, judicial and executive, should be elected directly by the people; that biennial instead of annual sessions of the General Assembly would at less expense better subserve the interests of the state; that there should be some limitation of the power to incur state debts; that the judicial system could be materially improved.

The bill was discussed at some length in the Senate, the assertion being emphatically made by its opponents, and apparently without contradiction, that the people were not asking, by petition or otherwise, for a chance to vote on the holding of a constitutional convention. The opposition to the bill came from the whigs, though a number of them voted for it, and it failed to receive two-thirds of the votes of the Senate. On March 23, 1849, another bill making similar provision was passed through both houses by the required vote, and the campaign for a new constitution was transferred to the final arbiters—the electors of the state.

Attitude of Citizens

A constitutional convention and its antecedent preliminaries call into more or less prominence three classes of citizens:

1. Those who wish to revise the constitution because they wish to revise it.
2. The reformers, the progressives.
3. The conservatives, the reactionaries, the "standpatters."

We are tempted to add a fourth—those who keep in the middle of the road and, with discriminating judgment and an eye on the weather vane, move cautiously toward the attainment of the "practical," the "possible" and the "probable." While these are not conspicuous in their

compromising and circumspect progress toward the goal, they always conclude their labors with the "majority."

The first class, those for whom the mere process of changing the constitution, in itself, per se as the youthful professor, proud of his latin would put it, while not the most numerous, is still familiar to all. Debating clubs, literary societies and bodies of higher pretensions unusually have written constitutions, and poor indeed is that organization which does not have at least one member with a burning desire to "revise or amend the constitution."

Down the vista of more than sixty years it is still possible to discern the patriots who loved and advocated revision for its own dear sake.

And there were progressives and reformers, even so far back as the '40s. Like the lawyers, they favored revision of the judicial system, but they did not propose to stop there. The list of changes demanded by a modest member of this class, who signed himself "Progress," in the Kalida Venture, is sufficiently specific and varied to be interesting. The

communication in its introductory suggestions is so applicable to modern conditions and the list of proposed changes such a complete summary of things then in the minds of the people, that the communication is presented here, practically without change:

The act declaring what shall be the fundamental law of the state is the highest which men can be called upon to perform, and in proportion to its importance and gravity ought to be the candor and calmness with which it is performed. Proposed amendments should not be capricious; nor should they be degraded into mere questions of partisan strife. Constitutions are the barriers against undefined and unlimited power, and should declare the guarantees of the rights of the individuals who reside within their jurisdiction. All parties and all persons are therefore equally interested in them and have an equal right to demand that a constitution shall secure the greatest good to the whole number.

I will not at this time argue the propriety or necessity of amending the existing constitution of Ohio. For my present purpose I will take it for granted that it is both proper and necessary to make amendments, and I will suggest for the consideration of the electors amendments to secure the following objects:

I. To vindicate the dignity of the state it ought to be declared that the southeastern boundary is the middle of the channel of the Ohio River and that this state has jurisdiction of its citizens while upon any part of the waters of the Ohio River, when the same is the boundary.

2. All qualifications of voters, except residence and sufficient age, ought to be abolished.

3. All electors ought to be capable of holding any office in the state without any other qualification than that they are electors.

4. Senators ought to be elected by large districts, and the number increased to forty-eight.

5. Every county ought to have one representative for a specified number of persons in the county, who should be elected entirely by single districts of one representative each.

6. Contested elections of senators and representatives ought to be decided by the courts before the members take their seats.

7. The appointing power ought to be entirely taken away from the Legislature.

8. A lieutenant-governor ought to be elected, and also a commissioner of common schools.

9. All officers, legislative, executive and judicial, except subordinate clerks, ought to be elected directly by electors.

10. The Legislature ought not to meet in session oftener than every second year; the session should commence on the first Monday in January and the length of the session ought to be limited.

11. After the compensation of any officer is once ascertained, the Legislature ought to have no power to reduce it. The compensation of the executive and judicial officers ought to be increased and fixed by the constitution. For county offices, fees ought to be abolished and annual compensation substituted.

12. The Legislature ought to be prohibited from passing special acts of incorporation. So far as associations of persons are convenient, they ought to exist under general laws. Such laws ought not to be permitted to be construed to be contracts to any greater degree than any other law, and should at all times be open to alteration, amendment or repeal. The only effect of acts of incorporation should be to associate persons under a common name and to aggregate capital or means, and should confer no powers or privileges which a natural person of equal means does not enjoy or possess.

13. The Legislature ought to be forbidden to make the state a stockholder with individuals and private companies; and the object and the extent to which the state may be indebted ought to be declared.

14. The imposition of taxes should be required to be at the same uniform rate upon the valuation of all property in the jurisdiction within which taxes are levied.

15. Offenses against the good reputation of persons ought to be punished by imprisonment, and the party injured ought not to be entitled to compensation in money.

16. All punishment by fine ought to be abolished as being unequal and inadequate.

17. Devices of land by will ought to be abolished and the descent and distribution thereof defined by law.

18. Special quantities of land ought to be exempted from sales on execution; and married women ought to have assured to them their property.

19. The legal equality of married women with men ought to be recognized and established.

20. The laws of this state ought to be reduced to a systematic code; the process, pleading and practice of courts simplified; the distinction between law and equity jurisprudence abolished; and the common law of England abrogated.

21. The judiciary ought to be remodeled by abolishing the Court of Common Pleas and substituting in its place County courts, consisting of one judge only, with original jurisdiction in all cases above justices of the peace; and for the settlement of estates of deceased persons and the appointment of guardians, there ought to be a separate court in each county, consisting of one judge.

22. There ought to be a District Court, consisting of one judge, with

jurisdiction by certiorari; and writs of error, of course, to bring the judgments of the County courts before him, in cases in which the County courts have original jurisdiction.

23. The Supreme Court ought to consist of a chief justice and all the district judges, to be held once a year in Columbus, with jurisdiction by way of writ of error only to be allowed by the chief justice in cases in which the county courts had original jurisdiction, and in which the District courts overruled the judgment of the County Court.

24. In civil suits juries ought to be had in cases in which either party demanded one, or in which the courts should order one.

25. No religious belief and no adjuration of Almighty God ought to be required of witnesses.

26. The state should refund to the counties all expenses incurred in prosecutions for crimes and misdemeanors.

27. Power of local legislation ought to be conferred upon county commissioners and their number, by some just ratio, increased.

This bill of particulars, lengthy as it is, does not express all of the demands of the reformers. Even as early as 1849 there came from different parts of the state a demand for the election of United States senators by direct vote of the people. The National Era and the New York Tribune were quoted in favor of this reform, but as the "Oregon Plan" had not been devised at that early date and the forthcoming convention would not have power to abrogate the provisions of the constitution of the United States, this reform was presented as one of academic interest rather than of practical importance.

The enfranchisement of women found occasional advocates, but not in sufficient numbers to raise it to the dignity of an issue.

A reform in which there was a deep and widespread interest, but in regard to which very little was said by the secular press of the state, was the regulation of the liquor traffic. A large and influential class of citizens were determined that the sale of intoxicants as a beverage should be virtually outlawed in the constitution. Their liberal opponents were somewhat apprehensive but quiet and undemonstrative in their defensive campaign. We shall see later how the contest between the "wets" and the "drys" went into the constitutional convention—and how it came out.

Pessimists in Those Days

As the agitation for a convention progressed, there was in the preliminary discussions a considerable manifestation of that pessimism which regards everything under the existing system as headed for autocracy, destruction and the eternal "bow wows." Hear ye one of the oracles:

It is an old and true saying that power is ever stealing from the many to the few; so long has this been the case under our present constitution that but little power remains with the many to steal away. An opportunity now offers for the people to right these things and rescue the rights and powers that have been filched away from them, and they will do it or we are mistaken.

"Conservatives" and "reactionaries" there were in goodly number and not a few of them looked forward hopefully to a constitutional convention as a refuge from what today would be called the "socialistic" schemes of the "mob" and the general assembly. Hear the introductory words of the appeal from a representative of this class:

A revision of the present constitution with a view to its alteration, so as to entirely prohibit the Legislature from hereafter engaging in schemes of internal improvement cannot be too strenuously urged upon the people. * * * No one at this present day will for a moment contend that the Legislature ever had an express constitutional authority for entering into such a scheme. * * * If it is necessary and proper that improvements such as canals and railroads should be made in the

state, individual capital and enterprise will make them if they are profitable.

The real "standpatters" who were opposed to any change were comparatively few and quiet, but on the battle line they did a little bushwhacking from the underbrush.

The stormy petrel of the agitation for a new constitution was Hon. Samuel Medary, editor of the Ohio Statesman and an aggressive democratic leader of the state. Not only did he advocate the convention through the columns of his paper, but on May 5, 1849, he commenced the publication of The New Constitution, a weekly of octavo size, devoted entirely to the cause. He evidently was a revisionist for the sake of revision, a progressive and a conservative—in short, he would go far to agree with any man who favored a new constitution. For that he even laid aside for the time being the discussion of partisan issues and became the virtual leader of the newspaper propaganda throughout the state in favor of the convention. No other man, perhaps, did so much to arouse popular interest and insure the triumph of his cause at the polls. In the last issue of The New Constitution, October 5, 1849, the result of the vote on holding a constitutional convention is announced as follows:

For the convention	145,698
Against the convention	51,161
Total vote cast	235,370

It will, therefore, be seen that 38,511 electors who went to the polls did not vote at all on this question. The proposition carried by a majority of 56,026. We shall now see how the delegates were elected and how they set about making the new constitution.

CHAPTER IV

CONSTITUTIONAL CONVENTION OF 1850-1851

Popular Expectation

The people seem to have approached the constitutional convention of 1850-1851 in a mood on the whole rather optimistic. There were some misgivings and an occasional gloomy prophecy, but serene confidence and sanguine anticipation were clearly dominant. Those who had prominently interested themselves in the movement for a new constitution hoped to see included in it a goodly portion at least of their favorite reforms. The general feeling was fairly expressed by Hon. Samuel Medary:

The people now have it in their power to change the state constitution so as to make it conform to the progressive spirit of the age, and by so doing to simplify their state government and make it cost less to the taxpayer, and at the same time better protect the citizen in his rights.

We have here set forth the lure that is often dangled before the citizen to lead him into the mazy field of experiment and change. There is a wonderfully attractive power in the things that are cheap and free. In the press of the day much space was given to assurances that a new constitution was to bring great relief to the taxpayer. In the very nature of things such assurance must be in large measure illusive. Take for instance the reform of the judiciary, which was urged by the ablest jurists of the state, and without the demand for which submission would undoubtedly have been deferred for at least twenty years. The courts were so overcrowded that it was impossible for them to perform the services for which they were created. A system must be devised that would provide more judges of higher average ability, and such a system must inevitably cost the taxpayers more money. Of course such a change should bring compensation in the form of better service and more prompt and satisfactory administration of justice.

Taxes are a tribute paid to civilization. If we would enjoy its comforts and conveniences—to say nothing of its luxuries—we must "pay the price." The only state of society which escapes that condition is the one found in Ohio before the white man came. The Indians were not troubled with the tax problem. The people have a right to demand that taxes be economically expended in efficient and necessary service, and this service brings such ample compensation in the greater ability to pay taxes that its burdens are not felt—that they do not exist. The new constitution was to provide a form of government adequate for a progressive and expanding population with growing needs. This could not be made to cost less to the taxpayers. Taxes could not be avoided, but provision could be made for their more equitable collection and distribution.

Others held forth the hope that provision might be made for relieving the state of its $18,000,000 indebtedness, incurred in building up its system of internal improvements and paying an annual interest of over $1,000,000. The finances of the state were in bad condition, partly as a result of the advent of railroads that were taking the place of the canals and curtailing their receipts, but chiefly because all unnoticed at the heart of our system of internal improvements the canker of the spoils system fed and fattened at the expense of the people. Some of the reformers, without recognizing the cause, were still insistent in

their demands for relief, and not without warrant hoped that the new constitution might inaugurate a better order in the finances of the state.

Selection and Character of Delegates

On February 23, 1850, an act to call a convention passed the General Assembly. It provided for the election on the first Monday in April of 108 delegates, one from each representative district, to meet in convention "to revise, amend or change the constitution of the state." The convention was to meet in Columbus on the first Monday in May, 1850, and have power to adjourn to such other place or places in the state as its members might deem proper.

The time for the selection of delegates was comparatively brief, only a little more than a month. The press of the state seemed to be alive to the importance of the election and urged that "only the best men be put forward as candidates," that they must not be picked at random to frame the fundamental law of the state.

But party spirit ran high and there were practically no independent candidates in the field. The whigs had not been enthusiastically in favor of framing a new constitution at this time because they feared that with their waning power it would not be possible to elect a majority of the delegates to the convention. On the other hand, the democrats were sanguine that they would triumph at the polls and that theirs was the great opportunity to write and submit a new constitution for the people of Ohio. In the contest for delegates, the democrats as the original friends of revision had a decided advantage over their opponents who had been lukewarm or secretly opposed to calling a convention. In the year 1850, the first Monday of April was the first day of April, but so far as known this contingency did not adversely affect the results of the election.

Writers have bestowed high praise on the body of men chosen to frame our second constitution. Perhaps at this late day it would be vain and unpatriotic to question this judgment, and something on the character and personality of the delegates of all our conventions is reserved for future presentation. It is safe to say, however, that the electors of the different districts did not, without exception, send to this convention their men best equipped for framing the constitution. In the county of Franklin, including then as it does at present, the capital city of the state, Samuel Medary, the chief advocate of the convention, a man of experience in public affairs, and especially well informed on all questions likely to arise before that body, was defeated by his whig opponent, John Graham, a local surveyor and former sheriff, who evidently knew little about the constitution and was not stimulated to interest in it by contact with his fellow delegates. He never addressed the convention on any subject. As we learn from the ample "Debates and Proceedings," he seems to have risen to his feet before that body but four times; once to send to the clerk's desk a proposition from a Columbus citizen to rent a hall to the convention, once to offer a petition signed by a few women of Franklin County opposing the legalization of the liquor traffic, and twice to offer resolutions evidently prepared by others. His opinions on questions up for consideration are found only in the aye and nay votes recorded in the proceedings. Medary, outside of the convention, had more to do than Graham in the convention in shaping the constitution. Hon. Henry Stanberry, of Columbus, who represented a district made up of Delaware County and a portion of Franklin, however, gave the capital city fitting eminence in the convention.

Of the 108 delegates chosen to this convention, sixty-four were democrats, forty-one whigs, and three free-soilers. An even dozen were or afterward became prominent. A large majority were what is sometimes vaguely designated as "representative;" that is, they were representative in character and ability of the average citizenship of their

districts and responsive to the wishes of a majority of their constituents. Of a small and harmless minority so much could not be said, and some of its members would probably not have recognized a state constitution had it come walking up the principal street of the capital city.

Meeting of Delegates; Organization

The delegates met in the State House in Columbus, May 6, 1850. A roll-call of the members showed all present except four. The first motion offered designated the officers of the convention as president, secretary, assistant secretary, sergeant-at-arms and doorkeeper.

The point of order was made that the convention could not proceed to business until the members had taken the oath of office. Then, strange to relate, the question was raised whether or not the delegates could consistently take the oath to support the constitution of Ohio when they had met "to construct a new constitution embracing no part of the old one," as a prominent member put it. Another delegate drew attention to the fact that they were only to prepare a constitution to be submitted to the people for ratification, and that until this was done they must live and act under the old constitution, by virtue of which alone they were authorized to assemble in convention; but this did not satisfy the members and, remarkable and unwarranted as their action was, they actually decided that they would not on entering upon the duties of their office, take oath to support the constitution of Ohio. Judge Peter Hitchcock, delegate from Geauga County, administered the oath to members in these words:

"You solemnly swear that you will support the constitution of the United States and that you will honestly and faithfully to the State of Ohio discharge your duties as members of this convention?"

Judge Hitchcock, who certainly knew that the action of the convention was not very creditable to the spirit and intelligence of its members, so shaped the oath that it approached as nearly as possible to pledging support to the constitution of Ohio.

The election of president of the convention resulted in the choice of William Medill, of Fairfield County, who was elected by a vote of sixty. His leading competitor, Joseph Vance, received thirty-eight votes. W. H. Gill was elected secretary. The previous General Assembly had reserved to itself the right to choose the reported and had named for that important post J. W. Smith.

The democratic majority, in spite of protestations to the contrary, was held steadily in line when questions arose affecting party interests, the distribution of honors, and other forms of patronage. At the outset they were willing and even eager to lay aside partisanship, after they had gathered in the offices and given Samuel Medary a somewhat luscious plum in the form of a contract to publish the proceedings of the convention. In fairness it must be said that if the whigs had been in control they would, perhaps, not have been less selfish and partisan.

On the day following the election of officers and while the appetite for patronage was still keen, Mr. Sawyer, an active and somewhat loquacious member from Auglaize County, rose and remarking that a public printer ought to be appointed, declared that he "had no disposition to disguise the matter and would frankly state that he presumed from the complexion of the convention that Samuel Medary would be chosen printer" and proceeded to make a motion to that effect.

Partisan Activity

The contest over the printing of the convention consumed much time, the dominant party under the leadership of Mr. Sawyer evidently guarding very closely the interests of Mr. Medary. The price to be allowed provoked much discussion. Contracts had been made for the publication

of the proceedings and delegates of the convention in the Ohio Statesman and the Ohio State Journal. The milk of the cocoanut for Mr. Medary seemed to arise from the fact that he had only to lift his type out of the columns of the Statesman and run off the proceedings and debates in book form to get full pay a second time for this work. "If Mr. Medary, as is true," declared Mr. Sawyer, "has type set up for the publication of his paper and if he can tomorrow use the type for the publication in book form, it is not his fault."

The suggestion of some one that the printing be given to the lowest responsible bidder aroused the righteous indignation of Mr. Farr, a Medary supporter from Huron County. He said:

This matter of bidding for work of this kind is exceedingly contemptible, and when a man makes such a proposition to me, as a printer, I will have nothing to do with him.

The result, of course, was that satisfactory provision was made for Mr. Medary. Having, in the characteristic way of the times, disposed of this inviting piece of patronage, the convention devoted itself to the serious consideration of the work appropriately before it. On May 14, the president announced the following standing committees:

1. On privileges and elections.
2. On legislative department.
3. On executive department.
4. On judicial department.
5. On apportionment.
6. On the elective franchise.
7. On corporations, other than corporations for banking.
8. On banking and currency.
9. On public debts and public works.
10. On future amendments to the constitution.
11. On education.
12. On militia.
13. On finance and taxation.
14. On preamble and bill of rights.
15. On public institutions of the state.
16. On jurisprudence.
17. On miscellaneous subjects and propositions.
18. On accounts.

In these committees, of course, most of the work was performed. Their reports were discussed in the convention and the substance of these discussions come down to us in two substantial volumes. In the limited scope of this inadequate survey, not even a brief review of the debates on the more important subjects can be given. A glance over the proceedings reveals the progressives and conservatives in battle array, and often their arguments read like a transcript from the latest issue of the Congressional Record in which similar principles are discussed. In eulogizing the judicial system of England, a prominent conservative of the convention said:

The fame of her learned and incorruptible judges has filled the world. And why is it? They have feared no earthly power, but have been left to poise the scales of justice with a firm and steady hand. "Let justice be done though the heavens should fall" has been the motto of her judges. They have been able to dispense justice under the influence of a conscious security against popular excitement and royal displeasure.

Continuing, the same speaker said:

I believe that the people of the state of all parties desire an independent judiciary and that they regard such a system as immeasurably more important than that the will of a popular assembly in a particular locality or neighborhood, expressed on a given day under excitement, should be carried into the jury box or be delivered from the bench in the form of a solemn judicial determination.

And here is another excerpt from the reply of a progressive of that day:

I said it was much to ask our opponents even to vote for the election of judges by the people, but was too much to expect them to go the entire figure on the subject. I said that the election of judges by the people was asked for by the people for the purpose of bringing within their control more fully that department of our government, which alone of all departments of American government, had not felt the chastening and reforming hand of American public opinion.

In a stirring speech on the abolition of capital punishment, one of the opponents of the proposition made much of the well-worn argument that those in favor of a change cared more for the criminal than for his victim.

Corporations

Conservative citizens, who are sometimes disturbed at the reckless and withering anathemas hurled at corporate wealth, should console themselves with the thought that there is nothing new in this manifestation of hostility and righteous indignation. In the convention that framed the constitution of 1851, the orators bravely assailed the citadel of "privilege" in language as trenchant as any hurled from the hustings today. Here is a sample, under date of June 3, 1850:

Corporations, sir, are destructive to equality and hostile to free institutions and their existence should not be tolerated in a republican government. They confer privileges and benefits on the few which are not enjoyed by the many. Every special act of incorporation is a grant of monopoly—a charter of privileges to a few individuals, which are not conferred upon the community at large. Such legislation is, consequently utterly repugnant to the great republican doctrine of equal rights—a doctrine that lies at the basis of the free institutions of the country.

Sir, the people of Ohio have felt the blighting, withering and contaminating effects of these "ulcers upon the body politic"—corporations, through a long series of years; and I believe there is now a deliberately formed and well settled public opinion among the masses in this state which requires of us as the representatives of the people to say the General Assembly, in the organic law of this commonwealth, "No more special Acts of incorporation—no more special legislation." A distinguished American statesman has said, and experience has proven the truth of the declaration, that "in this country corporations are like so many citadels, in which the enemies of republican government entrench and protect themselves, and from which they carry on their warfare against the institutions of freedom and the liberties of the people." Sir, I propose, by a prohibitory provision in the constitution, to storm these "citadels," and to rout the occupants from their entrenchment and their stronghold, so that they may no longer be thus enabled to "carry on their warfare against the institutions of freedom and the liberties of the people."

Of course we have applied new words and phrases. We now speak of the "tyranny of privilege," "predatory wealth," and the "tentacles of the monster octopus," but "blighting, withering, contaminating effects of these 'ulcers upon the body politic'" was doubtless a satisfactory avenue for the release of the pentup and righteous wrath of this "friend of the people."

From another delegate in the convention we get an insight into the cause of this early hostility toward corporations in Ohio and an illuminating exposition of the devious ways of legislatures seventy years ago:

It is well known that special charters are always "got through" our Legislature at will, and it must be evident that it will always be so, in the absence of a constitutional provision. When was there ever an

instance within the recollection of the oldest legislator on this floor, where a single special act of incorporation was defeated? It is but too generally known that these special acts are "got through" by a log-rolling system as it is called, the friends of one bill voting for the bills of others in consideration of their aid when the final vote is taken upon their own. These acts will always pass a legislative body, the dignity and "purity" of your General Assembly to the contrary notwithstanding. Any association of capitalists who ask for a right of way through any part of the country will always get it, and 10,000 remonstrances might be sent up in vain. A single member could carry it through the Legislature, if each member had a bill of his own for similar acts of incorporation.

The people who are wont continually to despair of the legislatures they elect, may gather comfort from the evidence here presented that these bodies are not much worse now than in the long ago.

Of course, in 1850, as now, there were staunch defenders of existing institutions, including the chartered corporations. Among these was the delegate from Carroll County. Here is what he has to say:

It has been said that there is no disposition among the people of the state to embark in the works of internal improvement, hence there is necessity for such action by the Legislature as would invite capitalists to invest their wealth among us. It is said that this is an age of progress. Well, to some extent that is true. The practice of the early pioneers of the country was to invite capital into the state by the establishment and encouragement of associations of wealthy individuals; and, sir, the state improved under that healthy system—that wise and far-sighted policy. I am unwilling to take away from the people the opportunity and privilege of having railroad or turnpike roads or any other improvements, if they find men willing to build them. If it is the purpose of this convention to prevent the people from having these improvements made, they could not, in my judgment, adopt a more effectual plan than to support the section now under consideration. I am for leaving it to the people and the Legislature to settle these matters by themselves. Let the people, by their representatives, grant special charters and put them upon such balances and checks as they may think proper. This convention should not attempt to prevent the people from inviting capitalists into the state, for to discourage the investment among us of eastern capital is to strike directly at the policy which has made the state what it is—third in wealth and greatness in the republic.

The lengthy and interesting discussions on corporations were called forth in large measure by the proposition to include in the constitution the following sections:

The General Assembly shall pass no special act conferring corporate powers.

Corporations may be formed under general laws; but all such laws may from time to time be repealed.

The constitution of 1803 authorized the creation of corporations by special act. Under this provision abuses had grown up that led the people generally to favor a change. A delegate set forth some of the reasons as follows:

The question is not what power should be given to associations of men, but it is a question of methods—in what manner should charters be obtained under which they would act—whether it should be by special charter or the exercise of their rights under some general law. That seems to be the question. And why, I would ask, should the Legislature be harrassed year after year by these applications for charters to associate companies? Three-fourths of the legislation for several years has been responsive to the petitions of men asking to be associated for certain specific purposes with certain powers granted to them. Why not do all this under a general, instead of a special law? We would thus get rid of this harrassing of the Legislature— it would hasten the transaction of legislative business, and so much time would not be spent

by the Legislature in determining these matters. It would be in the interest of economy and prudence to restrict the Legislature in granting these acts of incorporation.

Simeon Nash, legal writer and delegate from Gallia County, opposed the proposed change on the ground that under general laws corporations would multiply in the state. He said in part:

Are gentlemen prepared to pass general laws for the organization of railroads whenever and wherever individuals may see fit? By such legislation the state would divest itself of all authority over the location of these improvements, and railroad corporations would start up like mushrooms all over the state just as emulation between the different routes or the caprice and cupidity of the individuals might suggest. Such a course would jeopardize the income of all our public works, works which have cost the people millions, and would thus recklessly be exposed to destruction at the cravings of private cupidity. Is it right thus to surrender to individuals the power to thread our state with railroads, regardless of the public interests and wants? Are you prepared to authorize the construction of railroads along the lines of the canals?

In this connection it is well to remember that our great manufacturing interests have developed since the adoption of our present constitution. In other lines the demands for corporate power have multiplied. It was fortunate that our constitution anticipated the needs of the future and prevented the continued extension of special chartered privileges to corporations. It was folly to expect, however, that the limitations prescribed would prove a panacea for existing ills or eliminate "log-rolling" and the activity of corporation agents about the halls of the General Assembly. Regulation by general laws has led to united action on the part of corporate interests, and it would be idle to expect this to be less effective than separate effort; but uniform laws have promoted the general welfare by maintaining between the corporations themselves a degree of equality not otherwise possible.

The Veto Power

There was a spirited discussion of the proposal to give the governor the veto power. Rufus P. Ranney, one of the ablest delegates, recalled the experience with the veto under the ordinance of 1787:

"The people of the State of Ohio in their territorial government had a short experience of the veto power. Our fathers when they assembled and framed the constitution under which we have lived and prospered for upwards of fifty years, refused to insert in that instrument the veto. They were nearly unanimous in the opinion that it ought not to be incorporated. This refusal to insert there such a provision met with the approbation of the people then, and from that time to the present it has met with the approbation of the people and I believe that the settled convictions of the people are against the incorporation of the veto power into the constitution."

In stating his own attitude Mr. Ranney was direct and emphatic:

"I shall vote against all vetoes, everywhere, in every form, and upon all occasions."

Daniel A. Robertson, a delegate from Fairfield County argued ably for the veto. Reverting to the omission of this power from the constitution of 1802, he said:

"Prior to the adoption of the present constitution, the governor of the territory was not elected by the people. He was appointed by a higher power in Washington, and his authority had frequently conflicted with that exercised by the territorial representatives of the people. The contest was protracted and waged with much bitterness of feeling, and this was the reason why the veto was omitted in the existing constitution; and in Michigan, where the same feeling for the same cause existed, the veto power was also omitted in the constitution of that state. But

shall we continue to be governed by this feeling now, when the occasion for it has passed away; and when we have been enlightened upon the subject by the experience of half a century?"

The venerable Judge Peter Hitchcock, delegate from Geauga County, opposed the proposed grant of power. Among other things he said:

"It seems to me that the idea of giving to the governor a veto is inconsistent with our professions. It looks as though we distrusted the capabilities of the people for self-government. In fact, it is based upon the assumption that the people are incapable of self government. It implies also another fact, that we distrust our own qualifications to elect such men to do the business of the state as are worthy of being trusted. We are afraid to trust the legislative department of the government and therefore we put it under the care of the governor. * * *

"They say the governor is the representative of the whole people, because the whole people have voted for him. He is the representative of the masses, and therefore he may with propriety interfere with the proceedings of the Legislature. But why not carry the reasoning out? If the governor be the representative of the whole people, and he alone knows the sentiments and wants of the people and can best provide for them, why not dispense with the Legislature and give the governor the power to make the laws?"

After much discussion, the effort to give the governor the veto power failed in the convention.

License Question

The temperance question, although apparently but little discussed in the contest for delegates, loomed up prominently in the convention. Petitions were presented with thousands of signatures. Speeches on the subject occupy many pages of the second volume of the "Debates," but action was involved in parliamentary tangles and is at times difficult to trace, while the indexes are so inadequate that one must labor through many pages of the discussions and then feel that he has probably missed some important item in the record.

The resolution embracing this subject was presented at all stages in practically the form in which it finally became a part of the constitution:

"No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may by law provide against the evils resulting therefrom."

It is practically impossible to learn the views of the many delegates, especially of the very large number that did not participate in the discussion. Charles Reemelin, an able delegate from Hamilton County, who seems to have opposed the resolution at all stages, but who nevertheless generally stated matters of fact with care, described the situation as follows:

"The committee which drafted this report have reported it manifestly with the design to catch votes. The gentleman from Logan and the gentleman from Trumbull know that the temperance men in this body are as such in a miserable minority and that they could not obtain, directly and fairly, more than forty votes upon this floor. Many votes were, however, obtained for this report with the direct understanding that it proposed nothing more than to repeal all laws licensing the traffic and that hereafter it should be free. I myself know of as many as five members who voted for it with this understanding; whilst at the same time, my friend from Logan and my friend from Guernsey voted for it for the purpose of preparing the way for future legislation on this subject and for declaring the selling of liquor to be a crime."

The argument in favor of the resolution is here briefly presented by Benjamin Stanton, delegate from Logan County:

"If two boys upon the streets raffle for a penny, they are liable to a

fine; not on account of the enormity of the transaction, but because of its tendency to evil. So you fine an unlicensed person who sells a gill of whisky and for the same reason. But traffic in ardent spirits is the one indictable offense which has been authorized and sanctioned by statute. It is the only offense against public morals which particular individuals have been authorized to commit for a consideration. This is a monstrosity which ought not to be tolerated for a moment. The effect of it is to interpose a shield between the licensed rum seller and the efforts of the temperance reformer who is seeking to fix infamy and ignomy upon it. The friends of temperance ask that this may be taken away and that they may have an open field and a fair fight."

The argument on the other side is thus presented by Henry Stanberry, delegate from Franklin and Delaware counties:

"Gentlemen say that a license is a legal sanction, that it dignifies and gives respectability to the business of retailing and that the friends of the temperance reform are constantly met and confronted with the legal sanction of the evil which they are combating. That is putting the matter in a very plausible light. If indeed the evil only existed by reason of the license—if the license authorized that which would otherwise be unlawful, I could see the force of the objection. Hereafter when the license system is abolished, the business of retailing is to be a lawful business. It is still to have the sanction of law, a universal sanction instead of a partial and regulative sanction.

"And then, sir, it is said under this free system the business will lose some of its respectability. No doubt of that. Under a system of free competition with no restraint, no local supervision, the business will, in a measure, fall into hands to which it would never be intrusted even under the worst administration of the license system."

The votes on the resolution were close and there was much wavering and fence climbing. On February 24, 1851, it passed the convention by a vote of forty-five to thirty-nine and was ordered to be included as a part of the constitution. On the day following a wobbling member who had voted with the majority announced that he had received new light, that he was now sure that if this resolution were included the constitution would be defeated by the people at the polls. To avert that calamity he would move a reconsideration of the vote by which the resolution had been adopted. The motion was carried through the aid of new arrivals and one or two additional brethren who followed the author of the motion over the fence. The vote stood forty-seven to forty-five in favor of reconsideration. The resolution was then defeated, yeas, forty-three, nays, forty-nine, a complete reversal of the previous vote. This sudden change of front called forth from a delegate the following observation:

We are pursuing in this matter about the usual course—at least the course the papers of the state say is the usual and every-day order of business here. They say that there is no telling when this convention will get through its business, for what it does one day it regularly undoes the next.

This subject afterward came up as section 18 in the schedule and was adopted as a part of the constitution in the following form:

"At the time when the votes of the electors shall be taken for the adoption or rejection of this constitution the additional section in the words following, to-wit: 'No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may by law provide against the evils resulting therefrom,' shall be separately submitted to the electors for adoption or rejection in the form following, to-wit: A separate ballot may be given by every elector and deposited in a separate box. Upon the ballots given for said separate amendment shall be written, or partly written and partly printed, the words, 'license to sell intoxicating liquors, yes;' and upon the ballots given against said amendment in like manner the words, 'license to sell intoxicating liquors, no.' If at the said election a majority of all the votes given for and

against said amendments shall contain the words, 'license to sell intoxicating liquors, no,' then the said amendment shall be a separate section of Article IV of the constitution."

The question of license was therefore submitted as a separate proposition.

Limitation and Payment of State Debt

One of the very important achievements of the convention was the approval of the provisions for the limitation of indebtedness that could be incurred by the state and the payment of the existing state debt that had been contracted chiefly in the construction of a system of canals. The working out of a plan to accomplish this fell to the committee on public debt and public works, of which William Hawkins of Morgan County was chairman. In submitting the report of the committee he explained that it was the purpose to fix the maximum beyond which the state could never hereafter contract any indebtedness at $750,000 and to create a sinking fund for the payment each year of the interest on the public debt and such part of the principle as would liquidate the existing indebtedness at the end of thirty years. In presenting the section for the payment of the state debt he said in part:

"The great object of this plan is, without imposing any additional burden upon the people, to limit the time beyond which this debt shall not exist. The interest upon the debt of the state for thirty years—which is the time fixed for its continuance—will amount to the sum of $28,800,000. Add together the interest and the principle, and it swells to $40,800,000—an immense sum to be drained from the industry of the people. By this process we save the sum of $10,300,000. Is this not an object worth attending to? Public sentiment dictates that we shall fix a period when this debt shall be extinguished, and I want to bind the state against its perpetuation beyond a given period."

The $10,300,000 referred to by the speaker was the amount that would be saved by the payment of interest and a part of the principal each year over what the state would pay at the end of thirty years if no payment had been made in the meantime.

The plan presented by the chairman was adopted in principle. The state indebtedness was not liquidated at the end of thirty years, but the limitation for incurring additional indebtedness stood and still stands in the constitution. The state debt under the general plan proposed was gradually reduced and paid. This was really a beneficent and major achievement of the convention. If the people of Ohio had been able in the years following to devise a plan equally effective for the payment and limitation of municipal indebtedness, it would have been most fortunate and salutary for the fiscal condition of the cities of the state. They would not now be burdened with debts, the interest charges on which requires the larger part of their revenues and in some instances threatens the municipality with bankruptcy.

One is tempted to present a summary of the interesting discussions on taxation, especially the arguments on the taxation of church property, but space will not permit.

Provision was made for biennial sessions of the General Assembly, but this provision was for years practically neutralized by biennial regular sessions and adjourned sessions, a practice which only in recent years has been abandoned.

In the convention a number of able lawyers led in the reconstruction of the judicial system of the state, the chief reform originally demanded in the new constitution. It substituted for "a Supreme Court on wheels" a Supreme Court to sit at the state capital, as originally proposed in the constitutional convention of 1802, and provided that the judges should be chosen by popular vote.

Provision was also made for the election of a number of state officers previously chosen by the General Assembly.

The dominant party in the convention gerrymandered the state in framing the legislative districts, and this led some of the minority to vote against adopting the constitution in the convention.

The method of amending the constitution was materially changed. Under the constitution of 1802 this could be done only in a convention called for that purpose. Under the constitution of 1851 the General Assembly was authorized to submit amendments directly to the people for approval. This was intended to facilitate amendment of the constitution. It will be seen later why this change failed in large measure to accomplish its purpose.

On July 9, 1850, the convention adjourned, because of the cholera epidemic, and met in Cincinnati, December 2, where it continued its labors until March 10, 1851.

The new constitution was submitted to the people at special election June 17, 1851, and was adopted by a vote of 125,564 to 109,276, a majority of 16,288. The proposition to prohibit the license of the sale of intoxicating liquors carried by a vote of 113,237 to 104,255, a majority of 8,982.

If the license proposal had not been thus submitted, it is more than probable, for very obvious reasons, that the constitution would have been voted down.

CHAPTER V

MEN OF THE SECOND CONSTITUTIONAL CONVENTION OF OHIO

To the student of the development of state institutions the membership of state constitutional conventions is increasingly interesting with the passing of the years. On succeeding pages are presented brief biographical sketches of the delegates to the Second Constitutional Convention of Ohio who rendered conspicuous public service in other fields. In order that the name of no delegate shall be omitted in this brief survey, there is included at the close of this chapter the tabulated information in regard to each as published in the records of the convention.

William Medill, president of the convention, was a man of ability and wide experience in the public service, who deserved well of his party and the state, who was in every way worthy of the honor conferred upon him by his fellow delegates. The convention created the office of lieutenant governor to which William Medill was chosen in the October election of 1851. He was not, as stated again and again by able writers and public speakers, "elected the first governor" under "the constitution that he had helped to frame." Reuben Wood was the first governor elected under the Second Constitution of Ohio. On July 13, 1853, he resigned to accept the post of United States Consul at Valparaiso, Chile, and was succeeded by Lieutenant Governor Medill, who was elected to succeed himself as governor at the October election of 1853. He served to January 14, 1856.

Joseph Vance, delegate from Champaign County, had previously served as state legislator, congressman and governor.

Henry Stanberry was attorney-general of the United States in the cabinet of Andrew Johnson. Samuel J. Kirkwood became governor of Iowa and represented that state in the United States Senate and the cabinet of James A. Garfield.

Of the delegates to this convention twenty-two had been or afterward became members of Congress; more than fifty previously or subsequently were members of the General Assembly of Ohio. Joseph R. Swan, Rufus P. Ranney, William Kennon, Sr., Josiah Scott and the venerable Peter Hitchcock were judges of the Supreme Court of Ohio. A goodly number served as judges of the lower courts and almost all of the delegates had been chosen to local positions of trust and responsibility.

The roll of the convention with the nativity, residence, age and occupation of each delegate is suggestive of the varied talent and representative character of the men who revised and reconstructed the basic law of the state so well that it stood without material change for sixty years.

When it is remembered that these years embraced the period of the Civil war and the social and industrial changes that followed it; the rapid increase in population, the growth of large cities, the extension of commerce, the development and transforming influence of diversified manufacturing industries and the new problems that this material progress inevitably brought, high praise must be accorded to the ability, foresight, courage and fidelity of the delegates who submitted to the people of Ohio the constitution of 1851. Their achievement entitles them to an

honored place in the annals of the state, whose progressive course they charted and prescribed in the basic law through more than half a century.

Members of the Second Ohio Constitutional Convention Who Had Been or Became Members of Congress

Sherlock J. Andrews

Sherlock J. Andrews was born in Wallingford, Connecticut, in 1801; was graduated from Union College in 1821; studied law and was admitted to the bar; came to Cleveland, Ohio, and began the practice of law in 1825; elected as a whig to the twenty-seventh Congress (March 4, 1841—March 3, 1843); declined renomination because of poor health; judge of the Superior Court of Cleveland, 1848; delegate to the Second Constitutional Convention of Ohio; delegate to the Third Constitutional Convention of Ohio; first president of Cleveland Bar Association, 1873; first president of Cleveland Library Board, 1878; died February 11, 1880.

David Chambers

David Chambers was born in Allentown, Pennsylvania, March 17, 1780; in the whiskey insurrection was a confidential rider for President Washington; learned the art of printing; moved to Zanesville, Ohio, where he established a newspaper and was elected state printer; secretary of the Ohio Senate; volunteer aid-de-camp to Gen. Lewis Cass in the War of 1812; served as recorder and mayor of Zanesville; elected to the Seventeenth Congress (March 4, 1821—March 3, 1823); member of the Ohio House of Representatives, 1814, 1828, 1836-1838, 1841-1842; delegate to Second Constitutional Convention of Ohio; died in Zanesville, Ohio, August 8, 1864.

John Chaney

John Chaney was born in Washington County, Maryland, January 12, 1790; attended the common schools; moved to Ohio; Jackson Presidential elector in 1832; state representative, 1828-1830, 1842; elected as a Jackson democrat to the Twenty-third, Twenty-fourth and Twenty-fifth Congresses (March 4, 1833—March 3, 1839); returned to Canal Winchester, Ohio; was a member of the Second Constitutional Convention of Ohio, serving in place of Daniel A. Robertson, resigned; member of village council; died in Canal Winchester, Ohio, April 10, 1881.

William P. Cutler

William P. Cutler was born in Marietta, Ohio, July 12, 1812; attended public school and Ohio University; state representative, 1844-1847; served as speaker of the House of Representatives during his last term; member of the Second Constitutional Convention of Ohio; president of the Marietta & Cincinnati Railroad, 1850-1860; elected as a republican to the Thirty-seventh Congress (March 4, 1861—March 3, 1863); died in Marietta, Ohio, April 11, 1889.

Elias Florence

Elias Florence was born in Fauquier County, Virginia, February 15, 1797; attended the public schools; engaged in agricultural pursuits; moved to Ohio, locating in Circleville, Pickaway County; state representative in 1829, 1830, 1834 and 1840; state senator, 1835-1836; elected as a whig to Twenty-eighth Congress (March 4, 1843—March 3, 1845);

member of the Second Constitutional Convention of Ohio; died in Muhlenberg Township, Pickaway County, Ohio, November 21, 1880.

William S. Groesbeck

William S. Groesbeck was born in New York City, July 24, 1816; was graduated from Miami University in 1835; was admitted to the bar and began the practice of law in Cincinnati, Ohio; member of the Second Constitutional Convention of Ohio; commissioner to codify the laws of Ohio in 1862; elected as a democrat to the Thirty-fifth Congress (March 4, 1857—March 3, 1859); member of the peace conference in 1851; served in the State Senate 1862-1864; delegate to the Union National Convention in Philadelphia in 1866; one of President Johnson's counsel in his impeachment trial in 1868; delegate to the international monetary conference in Paris, France, in 1878; died in Cincinnati, Ohio, July 7, 1897.

Cornelius S. Hamilton

Cornelius S. Hamilton was born in Muskingum County, Ohio, January 2, 1821; attended the common school and Granville (Ohio) College; moved to Union County in 1839; studied law and was admitted to the bar; engaged in farming and banking in connection with the practice of law; appointed land appraiser and assessor in 1845; member of the Second Constitutional Convention of Ohio; member of the State Senate, 1856-1857; editor and proprietor of the Marysville Tribune; appointed by President Lincoln assessor of the Eighth Congressional District of Ohio; elected as a republican to the Fortieth Congress, and served from March 4, 1867, to December 22, when his promising career ended in a tragedy. He lost his life at the hands of a son who had become violently insane.

Aaron Harlan

Aaron Harlan was born in Warren County, Ohio, September 8, 1802; attended the public schools; studied law, was admitted to the bar and began practice in Xenia, Ohio, in 1825; state representative, 1832-1833, 1860; member of the State Senate, 1838-1839 and 1849; moved to Yellow Springs, Ohio, in 1841; Presidential elector on the Polk and Dallas ticket in 1844; member of the Second Constitutional Convention of Ohio; elected as a whig to the Thirty-third, Thirty-fourth and Thirty-fifth Congresses (March 4, 1853—March 3, 1859); moved to San Francisco, California, in 1864; died in San Francisco, California, January 8, 1868.

Peter Hitchcock

Peter Hitchcock was born in Cheshire, Connecticut, October 19, 1781; pursued classical studies and was graduated from Yale College in 1801; studied law, was admitted to the bar in 1804, and began practice in Cheshire; moved to Geauga County, Ohio, in 1806; state representative in 1810 and state senator, 1812-1816, one term he served as president of the Senate; elected to the Fifteenth Congress (March 4, 1817—March 3, 1819); judge of the Supreme Court of Ohio, 1824-1852; a portion of that time he was chief justice; delegate to the Second Constitutional Convention of Ohio; died in Painesville, Ohio, March 4, 1854; buried at Burton, Ohio.

Valentine Baxter Horton

Valentine Baxter Horton was born in Windsor, Vermont, January 29, 1802; attended the Partridge Military School and afterwards became

one of its tutors; studied law in Middletown, Connecticut, and in 1830 was admitted to the bar; moved to Pittsburgh, Pennsylvania, where he began practice; moved to Cincinnati, Ohio, in 1833, and in 1835 moved to Pomeroy, Ohio, where he engaged in manufacturing; delegate to the Second Constitutional Convention of Ohio; elected to the Thirty-fourth and Thirty-fifth Congresses (March 4, 1855—March 3, 1859); reelected to the Thirty-seventh Congress (March 4, 1861—March 3, 1863); died in Pomeroy, Ohio, January 14, 1888.

John Johnson

John Johnson was born in the County of Tyrone, Ireland, in 1808; attended the public schools; came to Coshocton, Ohio, in 1824 and engaged in agricultural pursuits; elected to the State Senate, 1842-1843; delegate to the Second Constitutional Convention of Ohio; elected as an independent to the Thirty-second Congress (March 4, 1851—March 3, 1853); engaged in banking until his death in Coshocton, Ohio, February 5, 1867.

William Kennon, Sr.

William Kennon, Sr., was born in Fayette County, Pennsylvania, May 15, 1793; attended the common schools; moved to a farm near Barnesville, Ohio, in 1804; attended Franklin College two years; studied law with William B. Hubbard in St. Clairsville and was admitted to the bar in 1824; elected as a democrat to the Twenty-first and Twenty-second Congresses (March 4, 1829—March 3, 1833); reelected to the Twenty-fourth Congress (March 4, 1835—March 3, 1837); elected common pleas judge, 1840; delegate to the Second Constitutional Convention of Ohio; appointed by Governor Medill in 1854 to fill the unexpired term of William B. Caldwell as judge of the Supreme Court, and elected to succeed himself; resigned in 1856 to resume the practice of law in St. Clairsville; at the outbreak of the Civil war Judge Kennon joined the republican party and was affiliated with it through his remaining years; died November 2, 1881.

Samuel Jordan Kirkwood

Samuel Jordan Kirkwood was born in Hartford County, Maryland, December 20, 1813; attended the common schools and the academy of John McLeod in Washington, District of Columbia; moved to Richland County, Ohio, in 1835; studied law and was admitted to the bar in 1843; prosecuting attorney of Richland County, 1845-1849; delegate to the Second Constitutional Convention of Ohio; moved to Johnson County, Iowa, in 1855; elected to the State Senate in 1856; elected governor of Iowa in 1859; reelected in 1861; appointed by President Lincoln minister to Denmark, March 7, 1863, but declined the appointment; elected as a republican to the United States Senate to fill vacancy caused by the resignation of James Harlan and served from January 13, 1866, to March 3, 1867; reelected to the United States Senate and served from March 4, 1877, to March 7, 1881, when he resigned; secretary of the interior in President Garfield's cabinet, March 5, 1881, and served until April 6, 1882, when he resigned; died in Iowa City, Iowa, February 1, 1894.

William Lawrence

William Lawrence was born in Washington, Ohio, September 2, 1814; was graduated from Jefferson College, Pennsylvania, in 1835; farmer and merchant; state representative in 1843; Presidential elector on the democratic ticket in 1848; delegate to the Second Constitutional

Convention of Ohio; state senator, 1854-1857; elected as a democrat to the Thirty-fifth Congress (March 4, 1857—March 3, 1859); again state senator in 1868-1869 and 1886-1887; member of board of directors of Ohio Penitentiary and president of the board; died in Washington, Ohio, September 8, 1895.

Daniel Parkhurst Leadbetter

Daniel Parkhurst Leadbetter was born in Pittsfield, Massachusetts, September 10, 1797; moved to Ohio in 1816; first located in Jefferson County, where he studied law and was admitted to the bar in 1821; commissioned captain of militia in 1821; moved to Holmes County, where he was county recorder, 1831-1836; elected as a Van Buren democrat to the Twenty-fifth and Twenty-sixth Congresses (March 4, 1837—March 3, 1841); member of the Second Constitutional Convention of Ohio; died in Millersburg, Ohio, February 26, 1870.

Samson Mason

Samson Mason was born in Fort Ann, New York, July 24, 1793; attended the common schools in Onondaga, New York; studied law, was admitted to the bar and commenced practice in Springfield, Ohio, in 1819; prosecuting attorney for Clark County in 1822; member of the State Senate, 1829-1831; candidate for Presidential elector in 1832; elected as a whig to the Twenty-fourth, Twenty-fifth, Twenty-sixth and Twenty-seventh Congresses (March 4, 1835—March 3, 1843); state representative, 1823, 1845-1846; appointed by President Fillmore United States attorney for Ohio; member of the State Senate, 1862-1863; delegate to the Second Constitutional Convention of Ohio; served as captain, brigadier general, and major general in the state militia; died in Springfield, Ohio, February 1, 1869.

William Medill

William Medill was born in Newcastle County, Delaware, in 1805; was graduated from Delaware College in 1825; studied law, was admitted to the bar and commenced practice in Lancaster, Ohio, in 1832; state representative, 1835-1837, serving as speaker, 1836-1837; elected as a democrat to the Twenty-sixth and Twenty-seventh Congresses (March 4, 1839—March 3, 1843); appointed by President Polk second assistant postmaster general in 1845; commissioner of Indian affairs, October 28, 1845—May 29, 1849; delegate to the Second Constitutional Convention of Ohio, and its president; lieutenant governor of Ohio, 1852-1853; governor of Ohio, 1853-1856; defeated for reelection; first comptroller of the United States Treasury by appointment of President Buchanan, March 26, 1857—April 10, 1861; died in Lancaster, Ohio, September 2, 1865.

William Sawyer

William Sawyer was born in Montgomery County, Ohio, August 5, 1803; when fifteen years old he was apprenticed to a blacksmith; worked at his trade at Dayton and at the Indian agency near Grand Rapids, Michigan; in 1829 moved to Miamisburg, Ohio; state representative, 1832-1835, speaker of the House in 1835; unsuccessful candidate for Congress in 1838 and 1840; moved to Saint Mary's, Ohio, in 1843; elected to Congress in 1844 and 1846, serving March 4, 1845—March 3, 1849; delegate to Second Constitutional Convention of Ohio; state representative in 1856; receiver of land office of Otter Trail District, Minnesota, by Presidential appointment, 1855-1861; appointed by Governor Hayes trustee of the Ohio Agricultural and Mechanical College in 1869; mayor and justice of the peace of Saint Mary's during the last seven years of his life; died September 18, 1877.

Benjamin Stanton

Benjamin Stanton was born in Mount Pleasant, Jefferson County, Ohio, June 4, 1809; studied law, admitted to the bar and in 1834 began practice at Bellefontaine, Ohio; member of the State Senate, 1841-1842; delegate to the Second Constitutional Convention of Ohio; elected as a whig to the Thirty-second Congress (March 4, 1851—March 3, 1853); reelected to the Thirty-fourth, Thirty-fifth and Thirty-sixth Congresses (March 4, 1855—March 3, 1861); lieutenant governor of Ohio in 1862; moved to Wheeling, West Virginia, and resumed the practice of law; died in Wheeling, West Virginia, June 2, 1872.

John Armstrong Smith

John Armstrong Smith was born in Hillsboro, Ohio, September 23, 1814; pursued classical studies and was graduated from Miami University in 1834; studied law and was admitted to the bar; state representative, 1842; delegate to the Second Constitutional Convention of Ohio; elected as a republican to the Forty-first and Forty-second Congresses (March 4, 1869—March 3, 1873); resumed the practice of law; delegate to the Third Constitutional Convention of Ohio; died in Hillsboro, Ohio, March 7, 1892.

Norton Strange Townshend

Norton Strange Townshend was born in Clay-Coaton, Northamptonshire, England, December 25, 1815; came to the United States with his parents in 1830 and settled at Avon, Ohio; educated himself by the use of his father's library; taught district school; studied medicine and was graduated from the University of Physicians and Surgeons in New York in 1840; delegate to the World's Anti-Slavery Convention in London, England, in 1840; studied in the hospitals of London, Paris, Edinburgh and Dublin; returned to Ohio and resumed the practice of medicine in Avon in 1841; moved to Elyria, Ohio; state representative in 1848; state senator, 1854-1855; delegate to Second Constitutional Convention of Ohio; elected as democrat to Thirty-second Congress (March 4, 1851—March 3, 1853); abandoned the medical profession and engaged in farming near Avon; member of state board of agriculture, 1858-1863, 1868-1869; medical inspector, United States Army, with the rank of lieutenant colonel, 1863-1865; professor of agriculture in Iowa Agricultural College in 1869; professor of agriculture in Agricultural and Mechanical College of Ohio (now Ohio State University), 1873-1892, during which time he visited the agricultural and veterinary schools and botanical gardens of Great Britain and Ireland; attended the national fairs at Shrewsbury, Edinburg and Ireland; died in Columbus, Ohio, July 13, 1895; buried at Avon Center, Lorain County, Ohio.

Joseph Vance

Joseph Vance was born in Washington County, Pennsylvania, March 21, 1786; moved with his father to Kentucky in 1788; thence to Urbana, Ohio; captain of a rifle company in 1809; state representative, 1812-1813, 1815-1816, 1819-1820; engaged in mercantile business in Urbana and Perrysburg, Ohio; laid out the City of Findlay; elected as a democrat to the Eighteenth and the five succeeding Congresses (March 4, 1823—March 3, 1835); governor of Ohio, 1836-1838; defeated for reelection; reelected as a whig to the Twenty-eighth and Twenty-ninth Congresses (March 4, 1843—March 3, 1847); delegate to the whig national convention in 1848; delegate to the Second Constitutional Convention of Ohio; died near Urbana, Ohio, August 24, 1852.

Eminent Jurists of the Second Constitutional Convention of Ohio

Rufus P. Ranney

Rufus P. Ranney was born at Blanford, Hampden County, Massachusetts, October 30, 1813. In 1822 he came with his father's family to Portage County, Ohio; attended Western Reserve College; at the age of twenty-two years entered the law office of Joshua R. Giddings and Benjamin F. Wade to study law; admitted to the bar in 1836; entered into partnership with Wade when Giddings was elected to Congress; in 1845 moved to Warren, Ohio, and practiced law; delegate to the Second Constitutional Convention of Ohio; chosen judge of the Supreme Court of Ohio by the General Assembly March 17, 1851; elected by the people under the new constitution and succeeded himself, February 9, 1852, serving to February 15, 1857; nominated for governor in 1859, but defeated by Dennison; moved to Cleveland and resumed the practice of law; again elected judge of the Supreme Court and served from February 9, 1863, to February 23, 1865, when he resigned and returned to Cleveland, where he continued his law practice; was chosen first president of the Ohio Bar Association in 1881; died in Cleveland, Ohio, December 6, 1891.

Josiah Scott

Josiah Scott was born in Washington County, Pennsylvania, December 1, 1803; was graduated with highest honors from Jefferson College, Pennsylvania, in 1823; taught classical school at Newton, Pennsylvania; taught school in Richmond, Virginia; returned to Pennsylvania and was tutor in Jefferson College; studied law while he was teaching; came to Mansfield, Ohio, in the spring of 1829; in June of that year began the practice of law in Bucyrus, Ohio; state representative, 1840; moved to Hamilton, Ohio; delegate to Second Constitutional Convention of Ohio; judge of the Supreme Court, February 15, 1857—February 9, 1872; member of the Supreme Court Commission, 1876-1879; died June 15, 1879.

Henry Stanbery

Henry Stanbery was born in New York City, February 20, 1803, the son of Joseph Stanbery, a physician, who moved to Zanesville, Ohio, in 1814. Henry was graduated from Washington College, Pennsylvania, in 1819, studied law and was admitted to the bar in 1824; practiced with Thomas Ewing in Lancaster, Ohio; attorney-general of Ohio, 1846-1850; delegate to Second Constitutional Convention of Ohio; moved to Cincinnati in 1853; appointed attorney-general of the United States by President Andrew Johnson in 1866; resigned to become the counsel for President Johnson at his impeachment trial; nominated by President Johnson as justice of the United States Supreme Court, but not confirmed by the United States Senate; died in Cincinnati, June 26, 1881.

Joseph Rockwell Swan

Joseph Rockwell Swan was born at Westernville, New York, December 28, 1802; moved with parents to Aurora, New York, where he received his early education; entered law office of his uncle, Gustavus Swan, in Columbus, Ohio, where he studied until admitted to the bar; elected prosecuting attorney of Franklin County in 1830; elected common pleas judge in 1843 and resigned in 1845; delegate to Second Constitutional Convention of Ohio; elected judge of the Supreme Court of Ohio in 1854 and served to 1860; rendered decision sustaining the United States fugitive slave law and was refused renomination by the republican party; many prominent men in that party, including Abraham Lincoln,

condemned this action of the party; afterward tendered position on Supreme Bench, but twice declined; interested in building of railroads and for a time president of the Columbus & Xenia Railroad; author of a number of legal works, including "Swan's Pleadings and Practice"; died in Columbus, Ohio, December 8, 1884.

Some Writers of the Second Constitutional Convention of Ohio

Otway Curry

Otway Curry was born March 26, 1804, on the site of what is now Greenfield, Highland County, Ohio; son of Col. James Curry, an officer in the Revolution and state representative of Ohio in 1812; came to what is now Union County in 1811; received good common school education; learned the carpenter trade and worked for a short time in Cincinnati, Ohio, Detroit, Michigan and Marion, Ohio; built a canoe and with a friend went down the Scioto, Ohio and Mississippi rivers to Port Gibson, where he spent a year; developed a fondness for literature and early composed poems which were published in Cincinnati papers; returned to his father's home in 1828 and married; engaged in farming; state representative, 1836-1837, 1842; moved to Xenia and published the Greene County Torchlight; returned to Marysville, Ohio; associated with William D. Gallagher in the publication of the Hesperian, a literary monthly magazine of high grade that ran through three volumes and suspended; studied law and was admitted to the bar; delegate to the Second Constitutional Convention of Ohio; purchased and edited for one year (1853) the Scioto Gazette at Chillicothe; returned to Marysville and resumed the practice of the law; died February 15, 1855.

Otway Curry, in his contributions to the early literature of Ohio, easily surpassed any of his fellow members of the constitutional convention. His poem, "The Lost Pleiad," which was published in an edition of McGuffy's Sixth Reader in the later '60s, is sublime in conception, dignified in execution and ranks with the classics. He wrote other poems of merit and prose sketches that were much admired.

James W. Taylor

James W. Taylor was born at Penn Yen, Yates County, New York, in 1819; was graduated from Hamilton College in 1839; practiced law; moved to Ohio in 1841; edited the Cincinnati Signal in 1847; moved to Sandusky, Ohio, and edited the Democratic Mirror; delegate to the Second Constitutional Convention of Ohio; state librarian of Ohio, 1854-1856; moved to Minnesota; in Civil war time and for years afterward was special agent of the United States Treasury charged with investigation of trade relations with Canada; in 1870 appointed by President Grant United States Consul at Winnipeg, Canada. He was author of books, monographs and reports. Among these were: "History of the State of Ohio, First Period, 1620-1787" (1854); "Manual of the Ohio School System" (1857); "Alleghenia, or the Strength of the Union and the Weakness of Slavery in the High Lands of the South" (1862); "Forest and Fruit Culture in Manitoba" (1882). With John R. Brown he wrote "Mineral Resources of the United States" (1867). Among his other publications and reports were: "The Railroad System of Minnesota and Northwestern Connections" (1859); reports to the United States Treasury Department on "Commercial Relations With Canada" (1860, 1862, 1868). During his long services as consul at Winnipeg he greatly endeared himself to the people of that city and the entire Province of Manitoba. Though a citizen of the United States, he entered whole-heartedly and unselfishly into every movement for the upbuilding of the capital of the province and saw it rise from a mere

frontier post to a prosperous and flourishing municipality of the Dominion. In the City Hall a large oil portrait attracts the attention of the visitor and attests that Winnipeg holds in grateful memory the personality and services of James W. Taylor. He died in that city while still holding the office of consul, April 28, 1893.

Simeon Nash

Simeon Nash was born in Massachusetts in 1800; came to Ohio in 1832; state senator, 1839-1842; delegate to the Second Constitutional Convention of Ohio; judge of the Court of Common Pleas, 1852-1862; resident of Gallia County, Ohio; author of "Nash's Pleadings"; "Digest of Ohio Reports"; "Morality and the State"; "Crime and the Family."

MEMBERS AND OFFICERS
OF THE
SECOND OHIO CONVENTION

Hon. Wm. Medill, President — W. H. Gill, Secretary — J. V. Smith, Reporter

Names of Delegates and Officers	From what County	Post Office	Place of Nativity	Years in the State	Age	Occupation	Married or Single
Andrews, S. J.	Cuyahoga	Cleveland	Connecticut	24	48	Lawyer	Married
Archbold, Edward	Monroe	Woodsfield	Washington, D. C.	20	40	Lawyer	Married
Barbee, William	Miami	Troy	Kentucky	45	61	Merchant	Married
Barnet, Joseph	Montgomery	Dayton	Pennsylvania	19	66	Farmer	Married
Barnett, David	Preble	Camden	Pennsylvania	46	49	Miller	Married
Bates, William S.	Jefferson	Smithfield	Virginia	23	44	Physician	Married
Bennett, Alden I.	Tuscarawas	Bolivar	New York	19	43	Physician	Married
Blair, John H.	Brown	Georgetown	Tennessee	40	57	Farmer	Married
Blickensderfer, Jacob	Tuscarawas	Canal Dover	Pennsylvania	38	60	Farmer	Married
Brown, A. G.	Athens	Athens	Ohio	52	52	Lawyer	Married
Brown, Van	Carroll	Carrollton	Virginia	38	48	Lawyer	Married
Cahill, Richard W.	Crawford	Liberty Corners	Pennsylvania	30	45	Farmer	Married
Case, F.	Hocking	Logan	Connecticut	13	32	Lawyer	Married
Case, L.	Licking	Newark	Connecticut	15	37	Lawyer	Married
Chambers, David	Muskingum	Zanesville	Pennsylvania	40	69	Farmer	Married
*Chaney, John	Fairfield	Carroll	Maryland	40	61	Lawyer and Farmer	Married
Clark, H. D.	Lorain	Elyria	Connecticut	18	44	Lawyer and Farmer	Married
Collings, George	Adams	West Union	Ohio	50	50	Lawyer	Married
Cook, Friend	Portage	Atwater	Connecticut	13	52	Physician	Married
Curry, Otway	Union	Marysville	Ohio	43	43	Lawyer	Married
Cutler, Wm. P.	Washington	Constitution	Ohio	37	37	Farmer	Married
Dorsey, G. Volney	Miami	Piqua	Ohio	37	37	Physician	Married
Ewart, Thomas W.	Washington	Marietta	Ohio	34	34	Clerk of Court	Married

Members and Officers of the Second Ohio Convention—*Continued*

Names of Delegates and Officers	From what County	Post Office	Place of Nativity	Years in the State	Age	Occupation	Married or Single
Ewing, John	Hancock	Findlay	Pennsylvania	16	44	Merchant	Married
Farr, Joseph M.	Huron	Norwalk	New York	15	39	Printer	Married
Florence, Elias	Pickaway	Darbyville	Virginia	44	52	Farmer	Married
Forbes, Robert	Mahoning	Petersburg	Pennsylvania	32	57	Farmer	Married
Gillett, H. N.	Lawrence	Quakerbottom	Connecticut	33	51	Farmer	Single
Graham, John	Franklin	Columbus	Virginia	27	38	Surveyor	Married
Gray, H. C.	Lake	Painesville	Pennsylvania	13	33	Editor and Printer	Married
Greene, Jacob J.	Defiance	Defiance	Ohio	29	29	Editor	Single
Green, John L.	Ross	Chillicothe	Virginia	22	44	Lawyer	Married
Gregg, Henry H.	Columbiana	New Lisbon	Virginia	15	40	Printer and Druggist	Married
Groesbeck, W. S.	Hamilton	Cincinnati	New York	31	34	Lawyer	Married
Hamilton, C. S.	Union	Marysville	Ohio	29	29	Editor	Married
Hard, D. D. T.	Jackson	Reed's Mill	Ohio	32	32	Merchant	Married
Harlan, A.	Greene	Yellow Springs	Ohio	47	47	Farmer	Married
Hawkins, William	Morgan	McConnelsville	Pennsylvania	40	53	Miscellaneous	Married
Henderson, James P.	Richland	Newville	Pennsylvania	20	47	Physician	Married
Hitchcock, Reuben	Cuyahoga	Cleveland	Ohio	43	43	Lawyer	Married
Hitchcock, Peter	Geauga	Burton	Connecticut	44	68	Lawyer	Married
Holmes, G. W.	Hamilton	Cincinnati	Ohio	44	44	Lumber Merchant	Married
Holt, George B.	Montgomery	Dayton	Connecticut	30	59	Lawyer and Farmer	Married
Hootman, John J.	Ashland	Jeromeville	Pennsylvania	23	35	Blacksmith	Married
Horton, V. B.	Meigs	Pomeroy	Vermont	17	47	Lawyer	Married
Humphreyville, S.	Medina	Medina C. H.	Massachusetts	18	42	Lawyer	Married
Hunt, John E.	Lucas	Maumee City	Ohio	52	52	Merchant	Married
Hunter, B. B.	Ashtabula	Austinburgh	New York	16	40	County Surveyor	Married
Johnson, John	Coshocton	Coshocton	Ireland	..	43	Farmer	Married

Members and Officers of the Second Ohio Convention—*Continued*

Names of Delegates and Officers	From what County	Post Office	Place of Nativity	Years in the State	Age	Occupation	Married or Single
Jones, J. Dan	Hamilton	Madisonville	Ohio	31	31	Farmer	Single
Kennon, William	Belmont	St. Clairsville	Pennsylvania	44	51	Lawyer	Married
King, James B	Butler	Reily	Virginia	35	47	Farmer	Married
Kirkwood, S. J	Richland	Mansfield	Maryland	14	36	Lawyer	Married
Larsh, Thomas J	Preble	Eaton	Ohio	41	41	Surveyor	Married
Lawrence, William	Guernsey	Washington	Ohio	36	36	Merchant	Married
Larwill, John	Wayne	Wooster	England	48	57	Merchant	Married
Leech, Robert	Guernsey	Cambridge	Pennsylvania	24	25	Attorney at Law	Single
Leadbetter, D. P	Holmes	Millersburgh	Massachusetts	33	52	Farmer	Married
Loudon, James	Brown	Georgetown	Kentucky	44	54	Farmer	Married
Lidey, John	Perry	Somerset	Pennsylvania	45	54	Farmer, &c	Married
Manon, H. S	Licking	Hebron	Pennsylvania	13	40	Farmer	Married
Mitchell, M. H	Knox	Mt. Vernon	Ohio	42	42	Lawyer	Married
Mason, Samson	Clark	Springfield	Ohio	31	57	Lawyer	Married
Morehead, Samuel	Harrison	Greene	Pennsylvania	35	55	Farmer	Married
Morris, Isaiah	Clinton	Wilmington	Pennsylvania	47	62	Farmer	Married
McCloud, Charles	Madison	West Camden	Vermont	40	42	Merchant	Married
McCormick, J.	Adams	West Union	Ohio	35	35	Lawyer	Married
Nash, Simeon	Gallia	Gallipolis	Massachusetts	18	45	Lawyer	Married
Norris, S. F	Clermont	Batavia	New Hampshire	12	36	Lawyer	Married
Orton, C. J	Sandusky	Fremont	New York	5	34	Editor	Married
Otis, William S. C	Summit	Akron	Massachusetts	19	41	Lawyer	Married
Patterson, Thomas	Highland	Hillsborough	Kentucky	40	50	Farmer and Mfgr	Married
Peck, Daniel	Belmont	St. Clairsville	Vermont	22	52	Lawyer	Married
Perkins, Jacob	Trumbull	Warren	Ohio	28	28	Farmer	Married
Quigley, Samuel	Columbiana	Calcutta	Pennsylvania	30	53	Physician	Married
Ranney, R. P	Trumbull	Warren	Massachusetts	25	36	Lawyer	Married
Reemelin, Charles	Hamilton	Dent	Germany	17	36	Farmer	Married
Riddle, A. N	Hamilton	Cincinnati	Ohio	44	44	Surveyor	Married

Members and Officers of the Second Ohio Convention—*Continued*

Names of Delegates and Officers	From what County	Post Office	Place of Nativity	Years in the State	Age	Occupation	Married or Single
Roll, E. C.	Hamilton	Cincinnati	Ohio	34	34	Lawyer	Married
Sawyer, William	Auglaize	St. Marys	Ohio	45	45	Blacksmith	Married
Scott, Josiah	Harrison	Cadiz	Pennsylvania	40	48	Attorney at Law	Married
Scott, Sabirt	Auglaize	St. Marys	Ohio	38	38	Farmer	Single
Sellers, John	Knox	Utica	Pennsylvania	25	55	Farmer	Married
Smith, John A.	Highland	Hillsborough	Ohio	35	35	Attorney at Law	Married
Smith, G. J.	Warren	Lebanon	Ohio	50	50	Attorney at Law	Married
Smith, B. P.	Wyandot	Carey	Georgia	26	31	Attorney at Law	Married
Stanberry, Henry	Franklin	Columbus	New York	36	47	Lawyer	Married
Stanton, Benjamin	Logan	Bellefontaine	Ohio	40	40	Lawyer	Married
Stebbins, Albert V.	Henry	Damascus	Connecticut	31	39	Farmer	Married
Stilwell, Richard	Muskingum	Zanesville	Pennsylvania	43	53	Lawyer	Married
Stickney, E. T.	Seneca	Republic	New York	14	38	Farmer	Married
Stidger, Harman	Stark	Canton	Pennsylvania	40	50	Physician and Farmer	Single
Struble, James	Hamilton	Derbis	New Jersey	37	50	Farmer	Single
Swan, J. R.	Franklin	Columbus	New York	32	47	Lawyer	Married
Swift, L.	Summit	Akron	Connecticut	14	42	Farmer	Married
Taylor, James W.	Erie	Sandusky	New York	8	30	Editor	Married
Thompson, H.	Shelby	Sidney	Pennsylvania	19	42	Attorney at Law	Married
Thompson, Joseph	Stark	New Franklin	Virginia	46	56	Farmer	Married
Townshend, Norton S.	Lorain	Elyria	England	20	34	Physician	Married
Vance, Elijah	Butler	Hamilton	Maryland	32	48	Lawyer	Married
Vance, Joseph	Champaign	Urbana	Pennsylvania	50	65	Farmer	Married
Warren, W. M.	Delaware	Scioto Bridge	Pennsylvania	39	47	Farmer	Married
Way, Thomas A.	Monroe	Graysville	Maryland	19	44	Farmer	Married
Williams, J. Milton	Warren	Lebanon	Ohio	41	41	Attorney at Law	Married
Woodbury, E. B.	Ashtabula	Kelloggsville	New Hampshire	38	44	Attorney at Law	Married
†Wilson, E.	Wayne	Jeromeville	Ohio	49	49	Farmer	Married
‡Worthington, James T.	Ross	Chillicothe	Ohio	48	48	Farmer	Married

Members and Officers of the Second Ohio Convention—*Continued*

Names of Delegates and Officers	From what County	Post Office	Place of Nativity	Years in the State	Age	Occupation	Married or Single
Medill,* William, *President*	Fairfield	Lancaster	Delaware	18	48	Attorney at Law	Single
Gill, W. H., *Secretary*	Guernsey	Cambridge	Pennsylvania	16	24	Printer and Editor	Married
Prentiss, W. S. V., *Asst. Secty*	Knox	Mt. Vernon	Ohio	23	23	Attorney at Law	Married
Mortley, David H., *Asst. Secty*	Morgan	McConnelsville	England	15	30	Joiner	Married
Smith, J. V., *Reporter*	Hamilton	Cincinnati	New York	3	23	Editor	Married
Henry Reed, *Asst. Reporter*	Franklin	Columbus	Connecticut	14	31	Editor	Married
§Okey, H., *Sergeant-at-Arms*	Monroe	Woodsfield	Delaware	50	55	Collector	Single
Arnold, James, *Door Keeper*	Richland	Mansfield	Pennsylvania	44	53	Carpenter	Married

*In place of Daniel A. Robertson, resigned. †In place of Leander Firestone, resigned. ‡In place of Wesley Claypool, resigned. §In place of John W. Carrolton, resigned.

CHAPTER VI

FROM THE CONSTITUTION OF 1851 TO THE CONSTITUTIONAL CONVENTION OF 1873-1874

Constitution of 1851 Difficult to Amend

In spite of the demonstrated defects and inadequacy of the constitution of 1802, the new constitution, embracing the popular reforms of the day, was not carried by an overwhelming majority. This attests a fact that has been evident throughout our state history; when it comes to the adoption of a state constitution the people of Ohio have been conservative. And we might truly add that when amendments have been submitted the electors have been indifferent as well as conservative.

The attitude of the whigs and democrats toward the constitution of 1851 is fairly set forth in the editorials of the leading organs of the two parties just before its adoption. On the day before the special election, June 16, 1851, the Ohio State Journal thus presented the whig view:

"For the last three months the merits and demerits of that instrument [the constitution] have been discussed through the columns of the Journal. The friends as well as the foes of it have had free use of our columns. We have regarded the subject, not in a partisan or sectarian view, but have endeavored to place it on higher ground. If, in this view, its defects have appeared more prominent than its merits, it is the misfortune of those who have exercised their skill in its formation.

"That there are merits in the new constitution has been admitted from the beginning. The election of officers by the people, the facility for adapting the judiciary to the increased wants of the state, the clause for future amendment are all proper and fit to be made. The other side of the case we have from time to time presented. The violation of the faith of the state about taxing state bonds; the clauses that will limit, if not destroy, all internal improvement; the infamous apportionment and the rejection of the single district system—all make a formidable list of objections that can hardly fail to have great weight with intelligent minds.

"Let every citizen go to the polls and there deposit the deliberate conviction of his judgment, unswayed by partisan feeling."

The Ohio Statesman, in the following editorial, published about the same time, sets forth the democratic attitude:

"The new constitution is emphatically a liberal, progressive document. It secures the rule of popular concerns from irresponsible and selfish interferences. It strikes a death blow at the bloated arrogance of wealth and places the means of prosperity in the hands of labor. It puts the hand of taxation into the pockets of all men and persons alike. No man can huddle his hundreds of thousands into the coffers of a corporation and go on augmenting his fortune without paying equally with the poor man for the support of the government under whose protection he enjoys his property and grows rich. It sets bounds to existing corporations and imposes barriers to the creation of all other new ones than those which the people from time to time decree. Where the old constitution is vague, this is explicit and plain; where the old is wanting this is complete; where the old was capable of perversion to the detriment of popular welfare, this bristles with popular protection. This is emphatically the 'People's Constitution.'"

To the changes brought about by the new constitution, the people gradually adjusted themselves and it steadily grew in popular favor. It added to the strength of the democratic party, and Joseph Medill, the president of the convention, was elected governor by a substantial majority. The apportionment, as already noted, was made in the interest of that party, but it was destined soon to lose the advantage of its gerrymander. New issues, national in their scope, arose above the political horizon. The cloud, at first small and insignificant, grew as it swept on, bearing in its breast bolts of destruction for the whig party and for its opponent the scourge of defeat, humiliation and long years of exile.

The section providing for the amendment of the constitution required that proposed changes should receive a three-fifths affirmative vote of both branches of the General Assembly, before submission to the people. In order to become a part of the constitution, an amendment must receive a majority of all the votes cast at such election. Of course, it might receive a majority of all the votes cast thereon, and at the same time not receive a majority of the total votes cast at the election. The votes on the amendments submitted in 1857 will illustrate the practical working of this section of the constitution.

The vote on amendments to the constitution submitted at the October election of that year was as follows:

Total number of votes cast		332,126
Affirmative vote necessary to carry any amendment		166,064
Proposition No. 1.	Annual sessions—Yes	151,212
	Annual sessions—No	31,899
	Majority	119,313
Proposition No. 2.	Change of District courts—Yes	156,646
	Change of District courts—No	30,039
	Majority	126,607
Proposition No. 3.	Bank and individual taxation equal—Yes	160,470
	Bank and individual taxation equal—No	20,600
	Majority	139,870
Proposition No. 4.	Corporations—Yes	123,229
	Corporations—No	35,973
	Majority	87,256
Proposition No. 5.	Single districts—Yes	147,260
	Single districts—No	32,657
	Majority	114,603

Constitutional Convention of 1873-1874

The election of delegates resulted in the choice of men of high average ability, a number of whom were, or afterward became prominent. Of the entire number, 105, sixty-one were lawyers, a fact that was seized upon and used with telling effect by the opponents of the constitution when it was submitted to popular vote.

The convention opened with a more intelligent discussion of the oath to be taken by the members than that noted at the outset of the convention of 1850-1851. The oath of office was administered by Chief Justice White, of the Supreme Court of the state, in the usual form, including the pledge to support the then existing constitution of Ohio.

A majority of the delegates were republicans, but the organization of the convention was effected without partisan controversy, and Morrison R. Waite, of Toledo, was elected president on the fourth ballot. Before the convention concluded its labors the president resigned to accept the position of chief justice of the Supreme Court of the United States. The vacancy thus occasioned was filled January 28, 1874, by the election, on the fourth ballot, of Rufus King of Cincinnati.

There was some controversy over the letting of printing contracts, but it did not, as in the previous convention, turn on the politics of the printer. The policy of competitive bidding, which was openly opposed by the dominant party in the convention of 1850-1851, seems to have grown quite popular in two decades. There was no objection whatever to it, and the only controversy arose over accepting the bid of a Cleveland firm but slightly lower than that of a Columbus establishment. It was argued, and with much show of reason, that the superior convenience arising from having the work done by a local printer would more than balance the difference in price. But the convention, by a substantial majority, literally kept its faith and voted to give the contract for publishing the "Debates" to W. S. Robinson & Company of Cleveland, the lowest responsible bidder.

On May 20, the fifth day of the convention, the chair announced the following standing committees:

1. On privileges and elections.
2. On preamble and bill of rights.
3. On the legislative department
4. On the executive department.
5. On the judicial department.
6. On the elective franchise.
7. On education.
8. On public institutions.
9. On public debt and public works.
10. On the militia.
11. On accounts and expenditures.
12. On county and township organizations.
13. On apportionment and representation.
14. On revenue and taxation.
15. On municipal corporations.
16. On corporations other than municipal.
17. On miscellaneous subjects.
18. On amendments.
19. On the schedule.
20. On traffic in intoxicating liquors.

The "Official report of the proceedings and debates of the third constitutional convention of Ohio," published in two volumes, the second in three parts, contains a very complete and detailed record of all that was proposed and done. The volumes aggregate over 4,800 pages. One wishes that the work might have been more thoroughly indexed, for while it contains much that is now of little practical value, it also includes a great fund of able discussion of fundamental principles and problems of state government that are of current interest. To some of the more important of these, brief reference will be made on succeeding pages.

Attitude of the Parties Toward the Constitution of 1851

It will thus be seen that while each proposition received a majority of the votes cast thereon, no one received a constitutional majority of all the votes cast at the election. All of these amendments were defeated by the electors who refrained from voting on them. Some of them doubtless did this purposely, but most of them were negligent and indifferent. No doubt it was the purpose of those who framed this section

to make it somewhat difficult to amend the constitution. The theory was that before a change should be made there ought to be such a popular demand for it that it would secure the support of a majority of all the votes cast at the regular election. In after years there was a growing conviction that this provision conceded too much to the ignorance and indifference of the electorate.

Early Attempts at Amendment

However this may be, it is certain that the practical inability to adopt amendments led the people in 1871 to vote for a convention "to revise, alter or amend" the constitution. The two decades from 1850 to 1870 had witnessed great changes in Ohio. The population had grown from 1,980,329 to 2,665,280, but in a much greater ratio had increased our corporate and industrial development. Vast aggregations of wealth had been invested in commerce and manufacturing. Railroad, telegraph and express companies were performing a great service for the people, reaping rich returns and gradually acquiring political influence of a dangerous character. Immediately after the close of the Civil war the enterprising spirit of the people turned to peaceful activities. Great manufacturing establishments sprang up and Ohio exemplified the declaration of the President of the United States that the "fires of productive industry were kindled at the funeral pyre of slavery." These changes magnified old problems of state government and brought forth new ones. Failure to adopt amendments to meet these new conditions led to the agitation for a constitutional convention, and when the question was submitted to the people in 1871 the proposition prevailed by the following vote:

Whole number of votes cast at election	459,990
Necessary to authorize calling of convention	229,996
For the convention	264,970
Against the convention	104,231

Preliminaries of Third Constitutional Convention

It would be difficult to enumerate all the considerations that led the people to vote in favor of a convention. It was generally conceded that the judicial system again needed revision. In a public address, Gen. Thomas Ewing declared that the Supreme Court was four years in arrears with its work and that with all diligence on the part of the judges the law's delays were destined to become more vexatious and expensive. There was also a general feeling that there should be a more effective regulation of corporations. The eternal warfare between the temperance people and the liquor interests figured pretty largely in the vote for the convention. The anti-license advocates had won by a small majority when the constitution of 1851 was adopted. The friends of the license system were now eager for another test of strength and felt very sanguine that they would be able to vote their proposition into the constitution. Other questions of minor interest helped to bring about the result. Among these were the veto power of the governor, limitation of indebtedness for cities, a salary system for county officers and proportional representation on the Supreme Bench.

CHAPTER VII

CONSTITUTIONAL CONVENTION OF 1873-1874

Equal Suffrage

The subject of woman's suffrage, which scarcely received consideration in the constitutional convention of 1850-1851, was presented at length in the convention in session twenty-three years later. Alvin C. Voris, delegate from Summit County, appeared as leading champion of the cause. His eloquent and extended address is full of interest. Among other things he said:

"Whatever tends to elevate woman tends to better society. The practical recognition of her rights and powers, as a human being, as a citizen, tends to elevate her. The conclusion is obvious. No wise man will think of depriving society of her potentialities for its melioration.

"The exercise of the elective franchise has elevated every class of persons properly exercising it. Like wealth, power, intelligence and all the civilizing agencies, it has made society better, and the individual exercising it a more exalted being, capable of higher accomplishment. * * *

"The necessity of reform is the conviction of the hour. The abuses of the privileges of the elector are fearfully undermining our social system. May not the self-restraint of woman be an important element in this reform? * * *

"Her truly endearing qualities are inherent in her very nature and would continue to be hers, just as man's continue to be his, though she should have a larger field of duty and privilege open to her, which will be exalted as she is exalted or lessened as she is sunk in the scale of being.

"Woman will vote. The decree has gone forth, backed by the growing reason, sense of justice and generous intelligence of the age. Many of you will live to see and bless the day that enfranchised the most lovable and virtuous half of our people."

To the speech of Mr. Voris, Thomas W. Powell, the venerable delegate from Delaware County, made a carefully prepared reply. Those interested in the study of the history of this subject will find both addresses well worth reading in full. Volney G. Dorsey, delegate from Miami County, thus summed up his argument against the proposed reform:

"Christianity, built upon the family relation, has brought woman to this elevated, this glorious position, in which she is at once a blessing to herself and to all around her. Remove her from this, and I care not what you add to her, her moral influence is gone and gone forever. The ballot can not compensate for the loss of the influence of the home; official position can never repay her for the loss of that greater kingdom which must be thrown away when the sanctity of the family relation is invaded by the duties and responsibilities of political station."

There was much interesting discussion of the proposition to elect judges of the Supreme Court by proportional suffrage. The proposed plan permitted any elector to vote for only three of the five judges to be chosen. Gen. Thomas Ewing, who favored this, summed up the objection to the plan in his answer as follows:

"The charge against this method that it increases the power of the [political] convention in the choice of judges, has been presented in its most plausible form, as follows: 'The two great parties will each nomi-

nate three of the five judges of the Supreme Court. Two of each three so nominated will surely be elected, and only one of six nominees defeated. Hence either party may nominate three very bad men with a certainty of electing two.' But, I answer, the majority in a state will not lose a judgeship by bad nominations if they can help it, any more than under the present system; and a party when in the minority, will seek then as now to recover their power by good nominations. There will be exactly the same rivalry of party and effort to make good nominations and elect the nominees."

Another delegate favored the system of proportional voting because it would secure to the minority its rights. On this theme he said:

"What are these rights? First and above all others, the right of a voice in the government, not an absolutely controlling voice, but a voice that can be heard in council and that may be effective so far as the power of just opinion can become so. This is all that is asked and with nothing less should a free people be satisfied."

Taxation

The committee on revenue and taxation made its report March 12, 1874. These were many opinions, some of them at wide variance, on Section 3 which was originally reported as follows:

"Laws shall be passed taxing by equitable and uniform rules all real and personal property, so that all property shall bear an equal share of the burdens of taxation according to its true value in money, but providing against double taxation."

In explanation of this section the chairman of the committee offered the following:

"It is evident that the clause 'equitable and uniform rule' was intended and does confer on the General Assembly a larger legislative discretion in the adjustment of the general system of taxation than it possessed when but a single rule, and that uniform and inflexible, limited its action. But the question arose in our consultation, and in my judgment is still unsettled, as to how far such legislation can co-exist with and be exercised in the faith of a subsequent clause in the same section, which requires all property on its appraised value in money to share equally the burdens of taxation. * * * Whatever may be our difference of opinion this section clearly means, to some extent, a departure from the past policy of the state as to taxation. * * * The State of Pennsylvania in framing her constitution adopted the idea probably intended to be embraced substantially in this amendment to the section of our old constitution. It is that by implication a classification of the property of the state might be obtained."

Another member offered a more concise and definite explanation:

"I am aware that we shall be asked what is meant in this section by the adjectives 'uniform' and 'equitable' as applied to the rules by which the real and personal property of the state is to be taxed. In ordinary use the word uniform has a more definite meaning than equitable'; but my own construction of them, as we use them in this connection, is that the equality shall apply to the proper classification of the different subjects and classes of property sought to be taxed, and the uniformity shall obtain in the equality of taxation throughout the state of all the property in the same class—variable as to class but uniform as to the rate of tax on each class. That is my definition and if it means less than that I shall oppose it."

As will be seen the contest was between those who believed in the classification of property for the purposes of taxation and their opponents who favored the iron-clad uniform rule. The section submitted was a compromise of a not very satisfactory character. It was amended until it finally took the still more unsatisfactory form:

"Laws shall be passed taxing, by uniform rate, all real and personal

property according to its value in money, to be ascertained by such rules of appraisement as may be prescribed by the General Assembly, so that all property shall bear an equal proportion of the burdens of taxation, provided that the deduction of debts from credits may be authorized."

This somewhat indefinite and contradictory provision left matters substantially as they were under the inflexible uniform rule of the old constitution. Nothing practical resulted from months of discussion on this subject.

License

Much interest attaches to the action of the convention on the regulation of the traffic in intoxicating liquors. The friends of the license system, as already noted, waged an active campaign in favor of holding the convention. They believed that they were strong enough to outvote their opponents and looked forward with confident anticipation to the opportunity to exhibit their strength. The discussions in the convention turned chiefly on the form in which the question should be submitted to a vote. It was early agreed that it should be submitted, not as a part of the constitution, but as a separate and distinct proposition.

The constitution of 1851, as we have seen, prohibited the licensing of the sale of intoxicating liquors. In criticising this provision, George Hoadly, delegate from Hamilton County, expressed his regret that he had in 1851 voted against license. "I have been a penitent ever since," he said, "and shall be to the end of my days. One of those mistakes was in inaugurating free trade in whiskey, by forbidding the license system, thus preventing the state from realizing that large tax upon the traffic which would be, in some measure, a compensation for the evils and mischief it works."

The delegates from the large cities favored the license system. On the whole the sentiment of the convention seems to have run pretty strongly in the same direction. As in the convention of 1850-1851, however, there were among the members those who wished to occupy, as nearly as possible, neutral ground on this question. Many insisted that the license system would close a large proportion of the saloons of the state. "I tell you," said a prominent delegate, "that under a well restricted license system, backed up by the public sentiment of the state, you can close nineteen-twentieths of all the saloons with all their attendant evils, a thing you can never effect under a mere effervescence of public opinion."

Among those who presented the opposite view was Anson Pease, delegate from Stark County, who declared:

"If 3,000 rum and gin-shop keepers of this city [Cincinnati] supposed that they were to be thrown out of employment, that their occupation would be gone if this license system were adopted, do you think that they would be clamoring before you for a license? It is understood by them and their friends that when you go to the Legislature the question will be, who shall give the cheapest license, $2, $3, or some other trifling sum, which shall give them an opportunity to sell whiskey to be drunk where sold. That is just what they desire to make the system respectable. There are many pious people in the trade, and they do not want their business to be made contraband and disreputable; they do not wish to expose themselves to prosecution, and they desire to make it just as popular for them as it is possible to make it. I am not in favor of any such thing."

On this subject Samuel F. Hunt of Hamilton County said:

"Sumptuary legislation has never resulted in any permanent good. The constitution of 1851 prohibits the granting of license by the General Assembly and yet intemperance has greatly increased in our midst. We have liberty without license. We should have license with liberty. * * *

"This is a question which will agitate itself; like Banquo's ghost, it

will not down at our bidding. It is now agitating the state from its center to its circumference, and will do so as long as the state has an organization and an existence. Meet the question fairly; meet it, not with a license which at the same time prohibits, but meet it with a license which, at the same time, limits and restrains or restricts. Let the direct question be license or prohibition, and let those to whom we must ultimately appeal for the ratification or rejection of our work say, in an independent proposition, whether or not it shall be a part of the organic law."

Charles W. Roland, another delegate from Hamilton County, occupied the unique position of hailing from a large city and opposing the principle of license. On this subject he said:

"Let no man dream that we can fight this battle out here, so that it will no longer disturb the politics of the state. We can only determine the form which the struggle shall assume, the real battle must be fought out among the people; and it is one of those questions which will not down at the bidding of time-servers and politicians. Gentlemen have, upon this floor, attempted to institute a comparison of this with other evils. Why is it in this convention confessing itself an evil and clamoring for treatment? It juts out like a frowning promontory beyond and above all evils that curse society. This behemoth of iniquity 'upheaves his vastness' not only in this convention, but before the civilized world; and everywhere demands toleration, if not the sanction of the law. I shall never vote to give it."

The whole subject was submitted to the people in the following alternative propositions:

For License

License to traffic in spirituous, vinous or malt liquors, under such regulations and limitations, as shall be prescribed by law, may be granted; but this section shall not prevent the General Assembly from passing laws to restrict such traffic, and to compensate injuries therefrom.

Against License

No license to traffic in intoxicating liquors shall be granted; but the General Assembly may, by law, restrain or prohibit such traffic, or provide against evils resulting therefrom.

If either of these alternative propositions, "for license" or "against license" should be adopted, provision was made that it should become a section of Article XVI of the constitution.

We shall see how the submission of this question entered into the contest for the adoption of the constitution and how it materially affected the result.

Proposed Constitution of 1874—Its Defeat

The sessions of the convention were protracted to considerable length, the entire period covering 188 working days. As previously explained, the members met in Columbus and after a recess convened in Cincinnati, where they concluded their labors May 15, 1874. The constitution which they framed was not adopted, and inasmuch as its provisions, so far as they differed from the constitution of 1851, indicate the changes that the delegates deemed proper at that time, the more important are given here in the following summary:

1. State elections were to be held biennially on the Tuesday succeeding the first Monday in November.

2. Senators and representatives must reside in their respective districts during their term of service; no person interested in any contract with or claim against the state should be eligible to a seat in the General Assembly.

3. Joint resolutions, before passing, must receive a majority of the votes of the members elected to each house.

4. The governor was given the veto power. A bill could be passed over his veto by an affirmative vote of three-fifths of the members of each house.

5. On demand of any member of the General Assembly, a vote could be had on any separate item of an appropriation bill.

6. All claims not authorized by pre-existing law must be paid through a separate appropriation bill; that is, they must not be included with regularly authorized appropriations.

7. The chief justice of the Supreme Court was to preside in case of the impeachment of the governor.

8. Regular sessions of the General Assembly were required to commence on the first Wednesday of January. Ratable deductions from salaries of members were to be made for unnecessary absence.

9. In case of the removal of both governor and lieutenant governor, by death or other cause, the General Assembly was to fill the vacancy.

10. The lieutenant governor could vote in case of an equal division of the Senate.

11. The following important changes were made in the judicial system of the state:

"The term of office of supreme judges was extended to ten years, instead of five as under the old constitution, and their salary was fixed at not less than $5,000 per annum each. The judges were to be elected by the restricted plan of minority suffrage, at the first election occurring under the new constitution, under which plan no elector could vote for more than three of the five judges to be chosen.

"In consequence of the accumulation of business on the docket of the Supreme Court, a commission was to be appointed to consist of the supreme judges in office at the time of the first election of judges under the new constitution, to dispose of all business then on the docket, which should not be, by arrangement, transferred to the new court. The judgments of this commission were to be in force the same as the decisions of the Supreme Court."

Judges of courts of record were required to report to the Supreme Court "defects and omissions in the laws," and the Supreme Court was to make a similar report to the governor on or before the first day of December of each year.

12. The word "white" was stricken from the constitution of 1851, where it specified the qualifications of electors or persons performing militia duties.

13. Women possessing the qualifications of electors as to age, citizenship and residence, were made eligible to any office under the school laws, except that of state commissioner of common schools.

14. An asylum for the incurable insane, an intermediate penitentiary and a reform school for boys were added to the list of permanent institutions of the state.

15. A superintendent of public works was to take the place of the board of public works.

16. The fee system was to be abolished and county officers were to receive fixed salaries.

17. The General Assembly was authorized to divide municipal corporations into six classes.

18. Assessment on taxable property of any corporation, in any year, was limited to 10 per cent, and an aggregate of 50 per cent in any ten years.

19. The indebtedness of municipal corporations was limited to 5 per cent of the taxable value of the property within their limits, or 10 per cent on a referendum vote.

20. An officer or agent of a railroad company was restricted in his

financial interest in such company. The consolidation of parallel competing lines of railroads was prohibited.

21. Foreign corporations, carrying on the business of transporting persons or property, or of telegraphing, mining, manufacturing or insurance in the state, were required to maintain an office therein, where legal proceedings could be instituted against them.

22. The "watering" of corporation stock was prohibited.

23. Railroads were required to charge the same rate for "long and short hauls"; they were forbidden to give free passes to public officials.

24. Provision was made for the taxation of all property at uniform rates, including income from investments.

25. A dog tax was authorized.

26. Each county was to have at least one representative in the General Assembly.

27. The system of cumulative voting was applied to Hamilton and Cuyahoga counties.

28. The General Assembly was required to legislate for the protection of miners.

29. Provision was made for the appointment of a commission to revise and rearrange the statutes of the state.

30. The questions of minority representation, railroad aid and license to traffic in intoxicating liquors were submitted as separate propositions.

The leading daily papers of the state, with a few exceptions, favored the adoption of the constitution of 1874. These included the democratic Ohio Statesman and the republican Ohio State Journal. The latter entered the contest sincerely but with no great degree of enthusiasm. It pointed out that it had proven impossible to amend the existing constitution because of the indifference of voters; that it was only through the adoption of the new constitution that changes could be effected in the fundamental law of the state.

Gen. Thomas Ewing of Lancaster, on August 15, 1874, delivered in Columbus an address favoring the adoption of the constitution, which, as a delegate, he had helped to frame. A very satisfactory report of the address was published in the Ohio State Journal of August 17. To this the editor pointed as a most satisfactory argument and guide to voters. The general believed that the proposed constitution should be adopted for the following reasons:

1. It provided for the reorganization of the judiciary, a reform imperatively demanded by the crowded condition of the court. This would necessitate a permanent increase in salaries of from $50,000 to $60,000 a year, and a temporary increase of from $20,000 to $25,000 a year. The increase was to be more than offset by the prompt and efficient administration of the law.

2. It abolished the free pass system.

3. It gave members of the General Assembly the right to demand a separate vote on every item of an appropriation bill.

4. It gave the governor the veto power.

5. It provided for biennial general elections.

6. It substituted fixed salaries for the fee system in county offices. This, it was claimed, would save annually from $150,000 to $200,000.

7. It placed salutary restrictions on corporations, whose rapidly growing power demanded additional regulation by the state.

8. It authorized the Legislature to pass laws to prevent the watering of corporation stock.

By its opponents the proposed constitution was called the "lawyers' constitution" and the "new Napoleonic constitution." Among the city dailies that opposed its adoption were the Cincinnati Enquirer and the Columbus Evening Dispatch. The latter, in an editorial under date of August 15, 1874, expressed its opposition as follows:

"Voters of Ohio: The question is presented to you squarely; will

you sell out what remains of republican institutions, under the present constitution, to subserve the purposes and to promote the interests of one single class of trained, of educated adventurers so cheaply as they propose? Will you voluntarily divest yourselves of the right of suffrage for ten years, probably forever, so far as you are individually concerned, for the consideration of a license provision in the constitution to traffic in whiskey; a license that may prove a base fraud upon the greatest number of those who are made to believe that it is to be to their pecuniary interest to secure the so-called license? * * * Can you afford to exchange your present government, defective though it may be, for an oligarchy of students of the effete despotism of the old world, which already stink in the nostrils of those old tumbling dynasties, and for the poor consideration of a promise, which those fellows make you, of a license to trade in whiskey? See to it next Tuesday that you are not swindled."

The same paper, on August 17, published the following summary of the objections of Lewis D. Campbell, vice president of the constitutional convention, to the proposed constitution:

1. It violates the great principle of equal rights and exact justice by applying the system of cumulative voting for two counties of the state—a system by which three votes of a minority have a political power equal to four of a majority, degrading a portion of the people.

2. It is anti-republican in this, that by extending the term of service of some officers to ten years and dispensing with annual state elections it removes farther from the people their power to dismiss unfaithful and unworthy servants.

3. It unnecessarily increases the salaries of offices that can be enjoyed only by a very small and non-productive class of the people.

4. It increases the number of judges, complicates the judicial system that ought to be simplified and renders judicial proceedings more tardy and expensive.

5. It prohibits the courts of common pleas from exercising jurisdiction in habeas corpus.

6. It secures benefits to the legal profession alone, at the expense of the taxpayer and to the disadvantage of all other classes of people.

7. It will increase the expenses of the state government not less than $2,500,000 in the first ten years.

8. It confers on the governor the veto power, by which he may defeat legislation, without which the state has prospered more than seventy years, and which has not been desired by the people.

9. In no event will it satisfactorily settle the important question of the liquor trade; but will leave it open for vexatious and unprofitable controversies among the people hereafter.

10. It may give authority to consume the private property of men, women and children, by taxation without their consent to aid railroad companies and promote private speculation.

11. It contains no beneficial provision which may not at any time be secured by an act of the Legislature.

12. As a whole the old constitution is much better than the new one.

In addition to the reasons for opposition set forth in the foregoing statements, there must be taken into consideration a condition of unrest and distrust remarkably prevalent throughout the country and especially in Ohio at the time this constitution was submitted for approval. The political revolution that placed William Allen in the gubernatorial chair was still sweeping through the state. Papers, without much regard to party, were denouncing the "salary grab" of the Grant administration. The people were in no mood to reason on the proposed increase in the salaries of judges of the Supreme Court, and the extension of the term of office suggested to the suspicious citizen only a "salary grab" of greater length. The fact that the new constitution was largely the work of lawyers led the perturbed and unreasoning to regard it as the hiding

place of all manner of iniquity. The financial condition of the country was unsettled. The political patent medicine man was abroad in the land and the people were swallowing his nostrums with gleeful gullibility.

The license proposition, especially, helped to seal the doom of the constitution. The earnest temperance workers of the state voted against it, of course; and then, to make assurance doubly sure, most of them also voted against the constitution. A contributing cause of minor importance was found in the long drawn-out sessions of the convention. The people were tired of the "Con-Con," as it was termed by way of humorous abbreviation, long before it finished its work.

Partisan politics did not figure much in the final result. Prominent members of both parties spoke earnestly in its favor, but neither party, as an organization, cared to assume responsibility for the new constitution.

It was submitted to the electors of the state August 18, 1874, with the following result:

Constitution—Yes	102,885
Constitution—No	250,169
Minority representation—Yes	73,615
Minority representation—No	259,415
Railroad aid—Yes	45,416
Railroad aid—No	296,658
License—Yes	172,252
License—No	179,538

The schedule provided that any of the three separate propositions submitted, if ratified by popular vote, should become a part of the new constitution. All three failed, but even if they had received a majority of the votes cast, the result would have been the same. Their failure would have been involved in the failure of the new constitution of which they would have become a part.

CHAPTER VIII

MEN OF THE THIRD (1873-1874) CONSTITUTIONAL CONVENTION OF OHIO

Practice of the law has generally been regarded as the stepping stone to official position. This was especially true in the period antedating the advent of "the business man in politics." While a relatively large proportion of the delegates to the third constitutional convention of Ohio were lawyers, the number who previously or subsequently held important official positions was considerably less than in the previous convention. Possibly the public service had become less attractive as the practice of the law became more remunerative. Be this as it may, of the delegates to this convention only thirty-six had been or subsequently were members of the General Assembly and thirteen members of Congress, while the corresponding numbers for the second constitutional convention were respectively fifty-seven and twenty-two. The disparity cannot be charged to any decline of confidence in lawyers; the large number of the profession chosen as delegates to this convention by vote of the people would refute such an assumption.

Preëminent among the men of the convention was its first president, Morrison R. Waite, who while he held this position was appointed chief justice of the Supreme Court of the United States, a position which he filled for many years with distinguished ability. To the vacancy occasioned by this appointment was elected Rufus King, an eminent lawyer and scholar of Cincinnati and grandson of the Revolutionary statesman of Massachusetts who served in the Continental Congress as member of the convention that framed the constitution of the United States, as United States senator from New York and as minister to England. He was also grandson of Thomas Worthington, a member of the first constitutional convention of Ohio, United States senator from and governor of that state.

Lewis Campbell, vice president of the convention, in Congress had won a national reputation in the stormy days preceding the Civil war. He figured prominently in the threatened duel between Anson Burlingame and Brooks of South Carolina who had made the brutal assault on Charles Sumner in the United States Senate. When war finally came he donned the uniform of blue to sustain the principles that he had advocated in Congress. He was son-in-law of John Reily, who helped to frame Ohio's first constitution, and uncle to James E. Campbell, congressman and governor of Ohio.

In this convention sat Judge George Hoadly, a leading member of the Cincinnati bar, former judge of the Superior Court of that city and later governor of Ohio. He was of distinguished ancestry. His mother was great-granddaughter of the eminent divine, Johnathan Edwards. She was a neice of President Dwight, of Yale College, sister to President Woolsey, of Yale College and aunt to Theodore Winthrop and Miss Sarah Woolsey known in literature as "Susan Coolidge." One of his instructors in Yale College was the famous Judge Story.

Richard M. Bishop was held in high esteem as a public spirited and successful business man of Cincinnati who had been mayor of that city when Abraham Lincoln was entertained there on his way to Washington,

in 1861. He was a communicant and liberal supporter of the Disciple Church and became governor of Ohio.

From Cincinnati also came two able lawyers, Samuel F. Hunt and John W. Herron. The daughter of the latter became the wife of William Howard Taft.

Judge William H. West, who a short time before resigned from the supreme bench of Ohio because of failing eyesight, came as delegate from Logan County. He was afterward candidate of the republican party for governor but was defeated by Bishop. This reverse did not diminish his fame as one of the great lawyers of the state. He added to his reputation as an orator in the effective speech that he delivered in the national republican convention of 1844 when he placed in nomination for the presidency the name of James G. Blaine.

Thomas Ewing, of distinguished Ohio ancestry, son of Senator Thomas Ewing, and afterward a member of Congress, represented Fairfield County. He had an honorable record of service in Kansas in the ante bellum days and as an officer in the Civil war. He was subsequently the nominee of his party for governor but was defeated by Charles Foster.

Judge John McCauley who succeeded Dr. John D. O'Connor, deceased, as delegate to the convention was a graduate of Ohio Wesleyan University, had served his county as prosecuting attorney later became common pleas judge in his district, a position which he resigned to accept appointment by Governor Charles Foster on the Supreme Court commission. He was the only one of the ten surviving members of this convention who visited the fourth constitutional convention. His remarks before that body were confined chiefly to the judiciary system.

Other delegates who previously or subsequently became members of Congress are noted in the sketches following.

Among those who served in the General Assembly were William Adair and F. B. Pond whose names were identified with important laws enacted for the regulation of the liquor traffic.

Among the officers and employes of the convention were Allen O. Myers, who afterward became a state representative and John R. Mallory who subsequently served as clerk of both houses of the General Assembly and became an able parliamentarian and a familiar figure in the activities of the republican party.

An examination of the list of delegates shows that all but about twenty were professional men. Of those listed as bankers, merchants and farmers a goodly number had liberal educational advantages. In no previous constitutional convention of the state, it is frequently declared, was the average intellectual equipment higher.

Members of the Third Constitutional Convention Who Had Been or Became Members of Congress

Charles Jefferson Albright

Charles Jefferson Albright was born at Carlisle, Pennsylvania, May 9, 1816, the son of Frederick Albrecht, who was a native of Prussia; came to Guernsey County, Ohio, in 1832; learned the trade of harness maker; taught school; owned and published the Guernsey Times, 1840-1845, 1848-1855; elected as a republican to the Thirty-fourth Congress (March 4, 1855-March 3, 1857); delegate to state republican convention in 1855 and to first and second national republican conventions, 1856 and 1860; in convention of 1860 was one of the Ohio delegates that changed from Chase to Lincoln and assured the nomination of the latter; appointed internal revenue collector by Lincoln and served 1862-1869; delegate to the third constitutional convention of Ohio; member state board of charities, 1876-1878; member of school board, councilman, clerk and mayor of Cambridge; died in Cambridge October 21, 1883.

Sherlock J. Andrews

Sherlock J. Andrews was a delegate to the third constitutional convention of Ohio, also delegate to second constitutional convention of Ohio. See sketch on other pages.

Lewis Davis Campbell

Lewis Davis Campbell was born in Franklin, Ohio, August 9, 1811; attended the public schools; apprenticed to learn the art of printing 1828-1831; published a Clay whig newspaper in Hamilton, Ohio, 1831-1836; studied law, was admitted to the bar, and commenced practice in Hamilton; elected as a whig to the Thirty-first, Thirty-second, Thirty-third and Thirty-fourth congresses (March 4, 1849-March 3, 1857); presented credentials as member-elect to the Thirty-fifth Congress and served from March 4, 1857, to May 25, 1858, when he was succeeded by Clement L. Vallandigham, who contested his election; served in the Union army as colonel of a regiment of volunteer infantry 1861-1862; resigned on account of ill health; elected as a democrat to the Forty-second Congress (March 4, 1871-March 3, 1873); member of the third constitutional convention of Ohio, serving as vice president; died in Hamilton, Ohio, November 26, 1882.

Thomas Ewing, Jr.

Thomas Ewing, Jr., was born in Lancaster, Ohio, August 7, 1829; was graduated from Brown University in 1849; studied law, was admitted to the bar and practiced in Cincinnati, Ohio; removed to Leavenworth, Kansas, in 1856; member of the peace conference from Kansas in 1861; chief justice Supreme Court of Kansas 1861-1862; served in the union army as colonel of the Eleventh Kansas Infantry Volunteers August, 1862; brigadier general United States volunteers September, 1863; brevet major general United States volunteers March, 1865; delegate to the third constitutional convention of Ohio, having returned to that state at the close of the Civil war; elected as a democrat to the Forty-fifth and Forty-sixth congresses (March 4, 1877-March 3, 1881); candidate for governor of Ohio; moved to New York City in 1881, where he engaged in the practice of law; died in New York City January 21, 1896.

Martin Ambrose Foran

Martin Ambrose Foran was born in Choconut, Susquehanna County, Pennsylvania, November 11, 1844; received a public school and collegiate training; served in the Fourth Pennsylvania Cavalry from April, 1864, to July, 1865, as a private; moved to Ohio; delegate to the third constitutional convention of Ohio; studied law and was admitted to the bar in 1874; prosecuting attorney for City of Cleveland from April, 1875, to April, 1877; elected as a democrat to the Forty-eighth, Forty-ninth and Fiftieth congresses (March 4, 1883-March 3, 1889); resumed the practice of law in Cleveland; judge of the Court of Common Pleas, 1911-1921; died in Cleveland, June 28, 1921.

Mills Gardner

Mills Gardner was born in Russellville, Ohio, January 30, 1830; moved to Fayette County in 1854; received a limited schooling; studied law and in 1855 was admitted to the bar; prosecuting attorney of Fayette County; state senator 1862-1864; presidential elector on Lincoln ticket in 1864; state representative 1866-1868; delegate to the third constitutional convention of Ohio; elected as a republican to the Forty-fifth

Congress (March 4, 1877-March 3, 1879); resumed the practice of law; died in Washington Court House, Ohio, February 20, 1910.

John Wesley McCormick

John Wesley McCormick was born in Gallia County, Ohio, December 20, 1831; attended the Ohio Wesleyan University, Delaware, Ohio, and the Ohio University, Athens, Ohio; engaged in farming near Gallipolis; delegate to the third constitutional convention of Ohio; elected as a republican to the Forty-eighth Congress (March 4, 1883-March 3, 1885); returned to his farm; trustee of Rio Grande College; died June 25, 1917.

Henry Safford Neal

Henry Safford Neal was born in Gallipolis, Ohio, August 25, 1828; was graduated from Marietta College in 1847; studied law and was admitted to the bar in 1851; state senator 1862-1865; commenced practice of law in Ironton, Ohio; appointed consul to Lisbon, Portugal, in 1869; by the resignation of the minister became charge d' affaires in December, 1869; in July, 1870, resigned and returned to Ohio; delegate to the third constitutional convention of Ohio; elected as a republican to the Forty-fifth, Forty-sixth and Forty-seventh congresses (March 4, 1877-March 3, 1883); appointed solicitor of the treasury by President Arthur, which position he held until a successor was appointed by President Cleveland; died in Ironton, Ohio, July 13, 1906.

Joseph Mosley Root

Joseph Mosley Root was born in Brutus, New York, October 7, 1807; pursued classical studies; studied law, was admitted to the bar and in 1829 began practice in Norwalk, Ohio; held various local offices; state senator 1840-1841, 1870-1871; elected as a whig to the Twenty-ninth, Thirtieth, and Thirty-first congresses (March 4, 1845-March 3, 1851); Lincoln presidential elector 1860; United States district attorney, 1861-1865; delegate to the third constitutional convention of Ohio; died in Sandusky, Ohio, April 7, 1879.

John Armstrong Smith

John Armstrong Smith was a delegate to the third constitutional convention of Ohio, also delegate to the second constitutional convention of Ohio. For sketch see other pages.

Amos Townsend

Amos Townsend was born in Fayette County, Pennsylvania, in 1831; moved at an early age to Cleveland, Ohio; member of City Council ten years, serving as president seven years; delegate to the third constitutional convention of Ohio; elected as a republican to the Forty-fifth, Forty-sixth and Forty-seventh congresses (March 4, 1877-March 3, 1883); died in St. Augustine, Florida, March 17, 1895.

Cooper Kinderdine Watson

Cooper Kinderdine Watson was born in Jefferson County, Kentucky, June 18, 1810; educated in the common schools; studied law, was admitted to the bar and practiced; prosecuting attorney of Marion County, Ohio; moved to Tiffin where he practiced law for twenty years; elected as a free-soiler to the Thirty-fourth Congress (March 4, 1855-March 3, 1857); moved to Sandusky, Ohio; delegate to the third constitutional

convention of Ohio; appointed judge of the Court of Common Pleas in 1876; was elected to the position and served until his death in Sandusky, Ohio, May 20, 1880.

Chilton Allen White

Chilton Allen White was born in Georgetown, Ohio, February 12, 1826; received a limited schooling; served in the Mexican war; studied law, was admitted to the bar and in 1848 began practice in Georgetown; prosecuting attorney of Brown County; state senator 1859-1860; elected as a democrat to the Thirty-seventh and Thirty-eighth congresses (March 4, 1861-March 3, 1865); defeated for reelection; delegate to third constitutional convention of Ohio; died in Georgetown, Ohio, October 7, 1900.

Richard M. Bishop

Richard M. Bishop was born in Fleming County, Kentucky, November 4, 1812; in 1848 removed to Cincinnati, Ohio, and entered the wholesale grocery business in which he became successful and wealthy; mayor of Cincinnati 1859-1861; declined renomination tendered by both political parties; made a patriotic address to the members of the legislatures of Ohio, Indiana, Kentucky and Tennessee on the occasion of their visit to Cincinnati in January, 1860; in February, 1861, delivered address of welcome to President-elect Abraham Lincoln on his way to Washington; prominently identified with the Disciple Church and its missionary enterprises; successor to Dr. Alexander Campbell in the presidency of the General Christian Missionary Convention; a delegate to the third constitutional convention of Ohio; a prime mover in the development of the Cincinnati Southern Railroad; governor of Ohio 1878-1880; died at Jacksonville, Florida, March 2, 1893.

George Hoadly

George Hoadly was born in New Haven, Connecticut, July 31, 1825; he was of distinguished ancestry; his mother was great-granddaughter of Mary Edwards, daughter of the famous minister of the Gospel; she was a niece of President Dwight of Yale College and sister of President Woolsey of that institution; was graduated in 1844 from the Western Reserve College at Hudson, Ohio; studied law at Harvard under Judge Story and Simon Greenleaf; admitted to the bar in 1847; practiced law with Salmon P. Chase; elected in 1851 by the Legislature to the office of judge of the Superior Court of Cincinnati; in 1859 elected under the new constitution judge of the Superior Court of Cincinnati; resigned and resumed law practice in 1866; delegate to the third constitutional convention of Ohio; for ten years professor in the Cincinnati Law School; moved to New York City in 1887 and practiced law there with eminent success; represented the interests of Samuel J. Tilden before the electoral commission in the Hayes-Tilden controversy; died at Watkins, New York, August 26, 1902.

Eminent Jurists Who Were Members of the Third Constitutional Convention of Ohio

John McCauley

John McCauley was born in Columbiana County, Ohio, December 9, 1834; went with his father's family to Wood County, Ohio, and afterwards moved to Hancock County; attended public school; prepared for college in the academy at Republic, Seneca County, Ohio; graduated from Ohio Wesleyan University, at Delaware, in 1859; taught school while

in college and studied law; admitted to the bar in 1860; practiced law in Tiffin, Ohio; prosecuting attorney of Seneca County, 1866-1869; delegate to the third constitutional convention of Ohio to fill a vacancy occasioned by the death of Dr. John D. O'Connor; judge of the Court of Common Pleas, 1880-1883; resigned to accept appointment on the Supreme Court commission of Ohio, where he served the full term, April 17, 1883-April 16, 1885; the only surviving member of this convention to visit the fourth constitutional convention; died ————.

Morrison R. Waite

Morrison R. Waite was born at Lyme, Connecticut, November 29, 1816; was graduated from Yale College in 1837 in a class with William M. Evarts, Benjamin Sillman, Edwards Pierrpont and Samuel J. Tilden; studied law at Maumee City, Ohio; admitted to the bar in 1839; moved to Toledo in 1850, where he continued the practice of law; state representative, 1849-1850; unsuccessfully opposed the election to Congress of James M. Ashley in 1862; selected by President Grant with William M. Evarts and Caleb Cushing to represent the United States before the Tribunal of Arbitration at Geneva; the ability with which he performed his mission at Geneva led President Grant to nominate him for chief justice of the Supreme Court of the United States in 1874; for years a trustee of the Peabody Educational Fund; honored with degree of Bachelor of Laws by Kenyon College in 1874 and by Ohio University in 1879; died in Washington, D. C., March 23, 1888.

William H. West

William H. West was born at Millsborough, Washington County, Pennsylvania, February 9, 1824; came with his father's family to Knox County, Ohio, in 1830; entered Martinsburg Academy in 1840; was graduated from Jefferson College, Pennsylvania, in 1846; taught school near Lexington, Kentucky, and later had charge of the school for boys in that city; while in Kentucky became acquainted with the Clay and Breckinridge families; returned to Ohio and studied law in the office of Judge William Lawrence at Bellefontaine; admitted to the bar in 1851; elected prosecuting attorney of Logan County; state representative 1858-1859, 1862-1863; state senator 1864-1865; attorney general of Ohio 1866-1870; nominated by President Grant and confirmed by the Senate as consul to Rio Janiero in 1869, but declined; judge of the Supreme Court of Ohio, 1872-1873; resigned because of failing eyesight; delegate to the third constitutional convention of Ohio; delegate to national republican convention in 1860 and aided in the nomination of Abraham Lincoln; delegate to national republican convention in 1884 and delivered notable address in presenting the name of James G. Blaine for president of the United States; known as "Ohio's blind man eloquent"; died in Bellefontaine in 1911.

MEMBERS AND OFFICERS
OF THE
THIRD OHIO CONSTITUTIONAL CONVENTION

M. R. Waite, Rufus King } *Presidents*

Lewis D. Campbell, *Vice President*
James B. Wilbur, *Sergeant-at-Arms*

D. W. Rhodes, *Secretary*
J. G. Adel, *Official Reporter*

No.	Names of Delegates	County	Post Office	Place of Nativity	Years in State	Age	Occupation	Married or Single
1	Wm. Adair	Carroll	Leesville	Ohio	37	37	Lawyer	Married
2	Charles J. Albright	Guernsey	Cambridge	Pennsylvania	42	58	Printer	Married
3	S. J. Andrews	Cuyahoga	Cleveland	Connecticut	48	72	Lawyer	Married
4	Isaac N. Alexander	Van Wert	Van Wert	Ohio	41	41	Lawyer	Married
5	Llewellyn Baber	Franklin	Columbus	Virginia	30	47	Lawyer	Single
6	J. W. Bannon	Scioto	Portsmouth	Ohio	32	32	Lawyer	Married
7	David Barnet	Preble	Camden	Pennsylvania	70	73	Farmer and Miller	Married
8	Thomas Beer	Crawford	Bucyrus	Ohio	41	41	Lawyer	Married
9	R. M. Bishop	Hamilton	Cincinnati	Kentucky	29	61	Merchant	Married
10	John H. Blose	Clarke	Fremont	Ohio	35	35	Farmer and Merchant	Married
11	Perry Bosworth	Lake	Painesville	Ohio	46	46	Lawyer	Married
12	Barnabas Burns	Richland	Mansfield	Pennsylvania	53	56	Lawyer	Married
13	Absalom P. Byal	Hancock	Findlay	Ohio	52	52	Farmer	Married
14	John L. Caldwell	Pike	Beaverstown	Ohio	30	30	Physician and Surg'n	Married
15	Joseph P. Carbery	Hamilton	Cincinnati	Ireland	24	47	Merchant	Married
16	Harlow Chapin	Washington	Harmar	Ohio	69	69	Civil Engineer	Married
17	S. W. Clark	Jefferson	Richmond	Ohio	57	57	Farmer & Minister	Married
18	Milton L. Clark	Ross	Chillicothe	Ohio	54	54	Lawyer	Married
19	Adam Clay	Montgomery	Miamisburg	Pennsylvania	41	51	Lawyer	Married
20	John B. Coats	Union	Marysville	Vermont	32	52	Lawyer	Married
21	Asher Cook	Wood	Perrysburg	Pennsylvania	51	52	Lawyer	Married
22	D. D. T. Cowen	Belmont	St. Clairsville	Ohio	48	48	Lawyer	Married

Members and Officers of the Third Constitutional Convention—*Continued*

No.	Names of Delegates	County	Post Office	Place of Nativity	Years in State	Age	Occupation	Married or Single
23	T. E. Cunningham	Allen	Lima	Ohio	43	43	Lawyer	Married
24	R. De Steiguer	Athens	Athens	Ohio	46	46	Lawyer	Married
25	A. W. Doan	Clinton	Wilmington	Ohio	49	49	Lawyer	Married
26	G. Volney Dorsey	Miami	Piqua	Ohio	61	61	Physician & Banker	Married
27	Thomas Ewing	Fairfield	Lancaster	Ohio	30	44	Lawyer	Married
28	M. A. Foran	Cuyahoga	Cleveland	Pennsylvania	6	30	Cooper	Married
29	Julius Freiberg	Hamilton	Cincinnati	Germany	25	50	Merchant & Mfgr.	Married
30	Mills Gardner	Fayette	Washington C. H.	Ohio	44	44	Lawyer	Married
31	T. J. Godfrey	Mercer	Celina	Ohio	42	42	Lawyer and Banker	Married
32	Jacob J. Greene	Defi'ce and Paul'g	Defiance	Ohio	53	53	Editor	Married
33	S. O. Griswold	Cuyahoga	Cleveland	Connecticut	32	50	Lawyer	Single
34	John J. Gurley	Morrow	Mt. Gilead	New York	31	53	Lawyer	Married
35	*Harvey Guthrie	Shelby	Sidney	Virginia	44	46	Farmer	Married
36	John C. Hale	Lorain	Elyria	New Hampshire	16	42	Lawyer	Married
37	John W. Herron	Hamilton	Cincinnati	Pennsylvania	32	46	Lawyer	Married
38	George Wm. Hill	Ashland	Ashland	Virginia	40	42	Physician	Married
39	Peter Hitchcock	Geauga	Burton	Ohio	56	56	Farmer	Married
40	George Hoadly	Hamilton	Cincinnati	Connecticut	44	47	Lawyer	Married
41	Joseph D. Horton	Portage	Ravenna	Ohio	41	41	Lawyer	Married
42	J. C. Hostetter	Stark	Minerva	Pennsylvania	53	54	Farmer	Married
43	Samuel Humphreville	Medina	Medina	Massachusetts	41	60	Lawyer	Married
44	Samuel F. Hunt	Hamilton	Cincinnati	Ohio	28	28	Lawyer	Single
45	Lyman J. Jackson	Perry	New Lexington	Ohio	38	38	Lawyer	Married
46	E. H. Johnson	Hamilton	Ross	Ohio	57	57	Farmer	Single
47	W. P. Kerr	Licking	Granville	Ohio	51	51	Teacher	Married
48	A. Kraemer	Ottawa	Oak Harbor	Germany	43	63	Lawyer	Married

Members and Officers of the Third Constitutional Convention—*Continued*

No.	Names of Delegates	County	Post Office	Place of Nativity	Years in State	Age	Occupation	Married or Single
49	†Josiah L. Keck	Hamilton	Cincinnati	.....	.....	....	.....	.....
50	W. V. M. Lavton	Auglaize	Wapokaneta	Ohio	45	45	Lawyer	Married
51	John K. McBride	Wayne	Wooster	Pennsylvania	58	59	Lawyer	Married
52	‡John McCauley	Seneca	Tiffin	Ohio	39	39	Lawyer	Married
53	John W. McCormick	Gallia	Gallipolis	Ohio	42	42	Farmer & Mfgr	Married
54	Ozias Merrill	Fulton	Ai	Maine	35	46	Farmer	Married
55	George D. Miller	Darke	Greenville	Ohio	48	55	Farmer	Married
56	§John L. Miner	Hamilton	Cincinnati	Ohio	62	62	Lawyer	Married
57	Charles H. Mitchener	Tuscarawas	New Philadelphia	Pennsylvania	35	57	Lawyer	Married
58	Jacob Mueller	Cuyahoga	Cleveland	Germany	24	51	Lawyer	Married
59	Thomas J. Mullen	Adams	West Union	Ohio	50	50	Farmer & Lawyer	Married
60	Henry S. Neal	Lawrence	Ironton	Ohio	45	45	Lawyer	Married
61	**John D. O'Connor	Seneca	Tiffin	Ohio	51	51	Physician	Married
62	William Okey	Monroe	Woodsfield	Ohio	64	64	Lawyer	Wid'wr
63	Henry F. Page	Pickaway	Circleville	Ohio	50	50	Lawyer	Married
64	Anson Pease	Stark	Massillon	Ohio	54	54	Lawyer	Married
65	Charles Phellis	Madison	Rosedale	Ohio	59	59	Farmer	Single
66	William H. Philips	Hardin	Kenton	Pennsylvania	36	49	Physician & Surgeon	Married
67	F. B. Pond	Morgan	McConnelsville	New York	32	48	Lawyer	Single
68	Thomas W. Powell	Delaware	Delaware	Wales	53	77	Lawyer	Married
69	Albert M. Pratt	Williams	Bryan	Massachusetts	23	48	Lawyer	Married
70	J. W. Reilly	Columbiana	Wellsville	Ohio	45	45	Lawyer	Single
71	John J. Rickly	Franklin	Columbus	Switzerland	40	60	Banker	Married
72	J. M. Root	Erie	Sandusky	.....	.....	....	.....	
73	Charles W. Rowland	Hamilton	Cincinnati	Kentucky	24	41	Merchant	Married
74	Daniel A. Russell	Meigs	Pomeroy	Ohio	33	33	Lawyer	Married
75	Charles C. Russell	Muskingum	Zanesville	Indiana	48	49	Banker	Single

Members and Officers of the Third Constitutional Convention—*Continued*

No.	Names of Delegates	County	Post Office	Place of Nativity	Years in State	Age	Occupation	Married or Single
76	Wm. Sample	Coshocton	Coshocton	Pennsylvania	61	63	Lawyer	Married
77	W. E. Scofield	Marion	Marion	Ohio	36	36	Lawyer	Single
78	C. H. Scribner	Lucas	Toledo	Connecticut	37	47	Lawyer	Married
79	John D. Sears	Wyandot	Upper Sandusky	New York	37	53	Lawyer	Married
80	John Shaw	Clermont	New Richmond	Ohio	64	64	Farmer	Married
81	E. Shultz	Montgomery	Miamisburg	Pennsylvania	35	54	Manufacturer	Married
82	John A. Smith	Highland	Hillsboro	Ohio	59	59	Lawyer	Married
83	*Edmund Smith	Shelby	Sidney	Ohio	44	55	Lawyer	Married
84	†James B. Steedman	Lucas	Toledo	Pennsylvania	37	55	Printer	Single
85	T. F. Thompson	Warren	Lebanon	New Jersey	56	60	Lawyer	Married
86	Amos Townsend	Cuyahoga	Cleveland	Pennsylvania	20	41	Merchant	Married
87	Thos. P. Townsley	Greene	Xenia	Ohio	56	56	Merchant	Married
88	James Tripp	Jackson	Jackson C. H.	Pennsylvania	40	48	Lawyer	Married
89	R. S. Tulloss	Knox	Utica	Ohio	54	54	Farmer	Single
90	Geo. M. Tuttle	Trumbull	Warren	Connecticut	34	57	Lawyer	Married
91	A. H. Tyler	Henry	Napoleon	New York	32	54	Physician	Married
92	Jas. S. Van Valkenburgh	Sandusky	Fremont	Pennsylvania	35	37	Editor & Publisher	Married
93	Daniel Van Voorhis	Muskingum	Nashport	Pennsylvania	62	67	Farmer	Wid'rw
94	Carolus F. Voorhes	Holmes	Millersburg	Pennsylvania	51	54	Lawyer	Married
95	Alvin C. Voris	Summit	Akron	Ohio	46	46	Lawyer	Married
96	W. G. Waddle	Harrison	New Athens	Ohio	39	39	Minister	Married
97	Cooper K. Watson	Huron	Norwalk	Kentucky	47	63	Lawyer	Married
98	S. P. Weaver	Putnam	Leipsic	Ohio	54	54	Farmer	Married
99	Harvey Wells	Vinton	.....	.....	.....	.....	.....	.....
100	Wm. H. West	Logan	Bellefontaine	Pennsylvania	43	50	Lawyer	Married
101	Chilton A. White	Brown	Georgetown	Ohio	48	48	Lawyer	Married
102	A. White	Hocking	Logan	Ohio	71	71	Farmer	Married
103	D. M. Wilson	Mahoning	Youngstown	Ohio	49	49	Lawyer	Married

1. Resigned. 2. President, *vice* M. R. Waite, resigned **Vice* Smith of Shelby, deceased. †Resigned. ‡*Vice* O'Connor, deceased. §*Vice* Keek, resigned. **Deceased.

Members and Officers of the Third Constitutional Convention—*Continued*

No.	Names of Officers	County	Post Office.	Place of Nativity	Years in State	Age	Occupation	Married or Single
104	H. B. Woodbury	Ashtabula	Jefferson	Ohio	40	40	Lawyer	Married
105	John H. Young	Champaign	Urbana	Ohio	60	60	Lawyer	Married
106	William J. Young	Noble	Sarahsville	Rhode Island	48	58	Farmer & Broker	Single
107	M. R. Waite, President	Lucas	Toledo	Connecticut	.....	....	Lawyer	Married
108	Rufus King, President	Hamilton	Cincinnati	Ohio	56	56	Lawyer	Married
109	Lewis D. Campbell, Vice Pres.	Butler	Hamilton	Ohio	62	62	Farmer	Married
110	J. G. Adel, Official Reporter	Franklin	Columbus	Pennsylvania	35	43	Reporter	Married
111	Dudley W. Rhodes, Secretary	Delaware	Delaware	Ohio	48	48	Insurance Agent	Married
112	Robt. F. Hurlbutt, 1st Asst. Sec.	Delaware	Delaware	Virginia	15	31	Lawyer	Married
113	D. S. Fisher, 2d Asst. Sec.	Allen	Lima	Scotland	30	35	Printer	Married
114	Joseph Gutzwiller, 3d Asst. Sec.	Hancock	Findlay	Pennsylvania	19	31	Clerk	Married
115	Allen O. Myers, 4th Asst. Sec.	Pickaway	Circleville	Ohio	26	26	Journalist	Single
116	James B. Wilbur, Serg't-at-Arms	Cuyahoga	Cleveland	New York	39	56	Merchant	Married
117	‡James Morgan, 1st Assistant	Hamilton	Cincinnati	Ireland	26	38	Manufacturer	Married
118	§Frederick Blankner, 2d Asst.	Franklin	Columbus	Germany	31	37	None	Single
119	Charles Rhodes, P. M.	Jackson	Jackson C. H.	Maryland	16	33	Printer	Married
120	¶Jno. R. Malloy, Page	Greene	Xenia	Connecticut	9	17	.....	
121	James D. Beamis	Lorain	Elyria	Ohio	16	16	.....	
122	Emery Wells	Franklin	Columbus	Ohio	16	16	.....	
123	John W. Cloud	Franklin	Columbus	Ohio	15	15	.....	
124	Glenn M. Grant	Franklin	Columbus	Ohio	13	13	.....	
125	‖W. A. Cool	Franklin	Columbus	Ohio	19	19	.....	

*Deceased. †*Vice* WAITE, resigned. ‡Resigned. §Resigned. ¶*Vice* COOL, resigned. ‖Resigned.

CHAPTER IX

AMENDMENT OF THE CONSTITUTION

Methods to Accomplish This

The defeat of the constitution of 1873-1874 left the Supreme Court in a rather unfortunate position. As already stated, it was far in arrears with its work. The aid offered by the new constitution now seemed to be indefinitely postponed. Up to this time no amendment had been adopted to the constitution of 1851, and the prospect for relief from that source was anything but encouraging. The need was so apparent, however, that the General Assembly once more submitted an amendment to the constitution. This provided for a Supreme Court Commission of five members, appointed by the governor for three years, "to dispose of such part of the business then on the docket of the Supreme Court as shall, by arrangement between said commission and said court, be transferred to such commission." This commission was to have "like jurisdiction and power in respect to such business as are or may be vested in said court." The General Assembly was also given power to create once every ten years a similar commission for a similar purpose, to serve two years.

The two leading political parties united in an effort to pass this amendment. Practically all the newspapers of the state favored it and the speakers of both parties, in the stirring campaign of 1875, paused long enough in their partisan appeals to urge all voters to support it. Success crowned the efforts of the friends of the amendment, which now appears as Section 22 (21) Article IV of our constitution. Following is the vote by which it was adopted October 12, 1875:

Whole number of votes cast	595,248
Necessary to carry	297,625
For the amendment	339,076
Against the amendment	98,561

Nor was our constitution amended only once, "except through the devious device of the now repealed Longworth law," as editorially declared by a prominent newspaper of the state. Article IV, providing for the judiciary, was materially and extensively modified by amendment October 9, 1883. This amendment abolished District courts, established Circuit courts and authorized the General Assembly to increase the number of judges of the Supreme Court, declare their salaries and fix the term of office for any period not less than five years. The number of circuit judges, their salaries and terms of office, were likewise to be fixed by law. This amendment, materially changing sections 1, 2 and 6 of Article IV, and repealing sections 5 and 11 of the same article, while not adopted under the Longworth law, was made a part of the constitution by methods not less "devious," as we shall presently see.

The amendment was but little discussed in the campaign of 1883. Popular interests centered in two other amendments, relating to the prohibition and regulation of the liquor traffic, and yet the amendment relating to the judiciary carried easily, while those relating to the liquor traffic failed.

The following extract from an editorial in the Ohio State Journal explains why the judiciary amendment had such "plain sailing":

"The constitutional amendment proposing a change in the state judiciary has had pretty plain sailing thus far, and arrangements having been made whereby 'Judicial amendment, Yes' appears on the ticket of both parties, it will doubtless be adopted. The State Bar Association, after a discussion of the proposed measure, decided to adopt it and advocate it, and lawyers generally have pronounced in favor of it, as far as they have taken any position at all in regard to it."

This reveals the plan to catch the indifferent and uninformed voter at an election before the present modified Australian system was adopted. Instead of writing on the ballot

Judicial amendment, Yes
Judicial amendment, No

and permitting the voter to express his preference by striking out one of the two, by mutual arrangement the political parties placed on each ballot

Judicial amendment, Yes.

For obvious reasons this plan was about as effective as that authorized by the Longworth act. The scheme was exposed and denounced by the venerable Judge Rufus P. Ranney in a letter to the Cleveland Leader a few days before the election, in which among other things he said:

"I do not now propose to enter upon an examination of it [the amendment], and content myself with simply saying, I can see no good in it. It undertakes to create an entirely new court, with an unlimited number of judges and a large increase in office holders, with a corresponding increase in the expenses of the judicial system.

"But worse than all that, it completely destroys the present independent position of the judges of the Supreme Court, as well as the courts to be created. Among the most effectual means for securing this, a fixed term and compensation have always been regarded as indispensable, while in the scheme proposed everything is set afloat and the Legislature is at liberty to make the terms of the supreme judges five years or twenty, the circuit judges one year or twenty, as they see fit or the exigencies of political parties seem to require. But leaving all this aside, I certainly should not have felt myself called upon to more than deposit my vote against the scheme, if an equal opportunity were afforded those who favor or oppose it to express their wishes at the ballot box in accordance with the legislative resolution submitting it, which expressly requires the affirmative or negative to be placed upon the ballot as the elector may desire to vote.

"I am now, however, informed (whether correctly or not I can not say) that an understanding between the committees of the several political parties exists, by which affirmation only is to be printed upon the ballots to be used at the election. If such a conspiracy really exists and is attempted to be carried out, I have no hesitation in declaring it a base fraud and imposition upon the electors and an attempt to change the constitution by a species of juggling without the free consent of the majority of them. * * *

"If I need any apology for calling the attention of the electors to the subject, I hope it will be found in the fact that I am one of the very few surviving members of the convention that framed the constitution and was chairman of the committee on future amendments."

The revelation of the clever arrangement of the political leaders did not affect the result of the election, and the judicial amendment easily prevailed, the vote standing:

Total vote cast	731,310
Necessary to carry	365,656
For the amendment	400,919
Against the amendment	144,335

In spite of Judge Ranney's criticism of this amendment and his denunciation of the scheme by which it was ratified, it must be admitted that time proved the modification of the constitution thus effected wise and satisfactory. There was no disposition on the part of the General Assembly to abuse the authority conferred upon it and the judicial system was made so flexible that it could be adjusted to meet new demands without calling a convention to revise the constitution. As we have seen, the conventions of 1850-1851 and 1873-1874 were brought about chiefly for the purpose of revising the judicial system. Until the meeting of the constitutional convention of 1912 there was practically no further demand for a change in this department.

The constitution was still further amended October 13, 1885, changing the time of electing county and state officers from the second Tuesday of October to the first Tuesday after the first Monday of November, and authorizing the General Assembly to determine the time and manner of holding township elections. These amendments were popular, especially those changing the time of the fall election to correspond with the Presidential election. They were all submitted in the same manner as the judiciary amendment of 1883, and by mutual agreement of political parties only the affirmative votes were printed on the ballots. These amendments carried by substantial majorities. Following is the record:

Total votes cast	733,967
Necessary to carry	366,984
Election of senators and representatives in November:	
Yes	538,858
No	53,177
Election of state officers in November:	
Yes	536,273
No	53,223
Election of county officers in November:	
Yes	534,669
No	53,629
Election of township officers:	
Yes	469,113
No	59,929

The Longworth Act

In 1902 the Longworth act was passed. It virtually gave legal form and sanction to the practice of 1883 and 1885 as then applied to the judicial and election amendments. It provided that political parties might "take action in favor of or against the adoption of such constitutional amendments to be submitted at the next succeeding annual election and certify such action to the secretary of state in the manner provided for certifying nomination for state offices, whereupon said action shall be printed upon the regular ballot at said election as a part of the party ticket of said party." Briefly stated, it authorized a political party to include as part of its ticket an affirmative or a negative vote on a constitutional amendment, and every elector who put his cross under the party emblem voted accordingly.

Under this law amendments that had the support of the two political parties (and in one instance that had the support of one political party) readily passed and were incorporated in the constitution. They were as follows:

Election of 1903

Total vote cast	877,203
Necessary to carry	438,602
Governor's veto:	
Yes	458,681
No	338,317

County representation:	
Yes	757,505
No	26,497
Stockholders' single liability:	
Yes	751,783
No	30,988

ELECTION OF 1905

Total votes cast	961,505
Necessary to carry	480,753
Bond exemption:	
Yes	655,508
No	139,062
Biennial elections:	
Yes	702,699
No	90,762

With the exception of next to the last (bond exemption) in the foregoing list, these amendments have proven fairly satisfactory. There has been no disposition to return to the old order. There was, however, considerable latent opposition to the veto amendment which led, in the constitutional convention of 1912, to a material modification of that section of the constitution as we shall see later.

But the exception above noted and the possibility that party leaders might shape the constitution to their will and to the detriment of the people aroused opposition to the Longworth act and led to its repeal in 1908. The repealing act provided that constitutional amendments should be designated in the first column of the official ballot and that on the line below each should be printed the word "yes" and on the next line should be printed the word "no." As it required a majority of all the votes cast at the election to carry an amendment, for reasons already explained, the indifferent and uninformed voter who failed to notice the amendment was again counted against its adoption as certainly as if he had voted "no."

No constitutional amendment was adopted after the repeal of the Longworth act until 1912. The principle of this act, however, was invoked in the law which provided for submitting to the electors of the state the question, "Shall there be a convention to revise, alter or amend the constitution?" This act went into effect May 11, 1910.

While neither of the two leading political parties assumed responsibility for the work of the constitutional convention of 1912, both of them went on record in favor of holding it and included "constitutional convention, yes," as part of their respective tickets in the fall election of 1910. While it is very doubtful whether the proposition would have carried if placed in a separate column of the ballot, with the endorsement of the two parties as above described, the result was as follows:

Total vote	932,262
For the convention	693,263
Against the convention	67,718

MODIFICATION OF CONSTITUTION BY AMENDMENT
INDEPENDENT "PROPOSITION"

Amendments to the constitution of Ohio may now be submitted to the people in three ways: 1. By a constitutional convention. 2. By the General Assembly. 3. By initiative petition. The first of these methods was authorized by the constitution of 1802; the first and second by the constitution of 1851; and all three by the constitution as amended in 1912.

With the constitution of 1851, as we have seen, was submitted a

separate "proposal" or "proposition" to license the sale of intoxicating liquors. This was done in order that the adoption of the constitution itself might not be endangered by the contest over the liquor problem. As previously stated, the submission of the proposition in separate form helped to insure the adoption of the constitution. A few words of explanation may be necessary. Had a provision authorizing the license system been included in the constitution itself, the temperance people would have voted against its adoption. A provision forbidding license would have arrayed against it the liberal or liquor element. When the license proposition was submitted separately, the temperance people naturally favored the new constitution, opposed license, and voted accordingly. They wished the new constitution to prevail for, if it should fail, they would continue under the old constitution and the license system. Their purpose was to carry the new constitution and vote into it as a separate proposition the anti-license clause. The liberal element believed that they could carry license and while they were, perhaps, not so enthusiastic as their opponents in support of the constitution, their faith that they would be able to vote down the anti-license proposition influenced them generally not to oppose the adoption of the constitution.

In short, the temperance people felt that they had everything to gain and nothing to lose in the adoption of the new constitution and voted for its adoption. The liberals did not realize that the result would adversely effect their interests and did not antagonize adoption. At that time the lines between the wets and drys were not so sharply drawn as in later years. This combination of conditions materially aided the friends of the constitution and contributed thousands of votes to its adoption.

When the constitution of 1874 was submitted, conditions were different. With it were referred to the people three independent propositions "minority representation," "railroad aid" and "license." The first two were overwhelmingly defeated, and the last by a majority of only 7,286, in a total vote of 351,790. The constitution itself went down by a vote of more than two to one. The contest was most vigorously waged over the license question. The friends of the system the liberal or liquor element, as they were called, had everything to gain and nothing to lose by voting not only for the license proposition but for the constitution as well. In fact, the latter received its most substantial support from that source. On the other hand, opponents of the license system who had everything to lose and nothing to gain in the adoption of the proposed constitution, arrayed themselves against it in united battle line, and the majorities that they rolled up in the rural districts against the two objects of their wrath were paralyzing. It should be added that opposition to "minority representation" and "railroad aid," the former of which was not understood and the latter very unpopular, helped, in lesser degree, to make sure the defeat of the constitution.

Reason and experience clearly show that the fate of a proposed constitution is dependent, in no small degree, upon the independent propositions submitted with it. A provision that will endanger the adoption of the constitution, when included as a part of it, will usually have, to a marked degree, the same influence if submitted with it as an independent proposition.

In Ohio, provision from the beginning has been made for the modification of the constitution by amendment. Prior to 1851, this could be effected only in a constitutional convention. After the adoption of the constitution of 1851 amendments could be proposed by three-fifths of each branch of the General Assembly, but before becoming a part of the constitution they must be submitted to the people at the next regular election for state senators and representatives, and must receive the votes of a majority of all the electors voting at such election. As has

frequently been explained, an amendment may receive a majority of all the votes cast for and against it and still not have a majority of all the votes cast in the election at which it was submitted. This has been illustrated by the votes on the first amendments submitted after the adoption of the constitution of 1851. It may be further exemplified by the votes cast on taxation amendments in years preceding 1912:

Year	Affirmative	Negative	Total votes cast
1891	303,177	65,041	795,631
1893	322,422	82,281	835,604
1903	326,622	43,563	877,203
1905	655,508	139,062	961,505
1908	339,747	95,867	1,123,198

The only one of these that carried was that submitted in 1905, and it prevailed only because it had the endorsement of both of the leading political parties under the Longworth act.

When it is remembered that the demand for tax reform was, perhaps, the most powerful influence originally exerted in favor of the calling of the constitutional convention of 1912, it is readily seen that recourse is had to a constitutional convention when efforts to amend the constitution though the General Assembly fail. After the constitution of 1874 was voted down, a number of the reforms that it embodied were, by amendment, voted into the constitution under the Longworth act and other devices that applied the same principle with like results.

The Longworth act was repealed and there is pronounced opposition to turning over to political conventions the power to initiate and, by concerted action, virtually to adopt amendments to the constitution. A need was recognized for a rational system of amendment that would encourage among the electors a more general and intelligent interest in the questions submitted to them for approval or rejection at the polls.

The tendency in the past has been to exalt the name of the party leader to the exclusion of interest in almost everything else. Take, for instance, the vote on the amendment authorizing the classification of property for purposes of taxation, submitted in 1908. Voters to the number of 1,125,198 were interested in the election of the candidates for president and governor, but only 435,614 were sufficiently concerned to cast their ballots on an amendment authorizing legislation that might affect the tax levy on every dollar's worth of property in the state.

Singular as it may seem, the difficulty experienced in adopting amendments to which there was and could be no serious opposition did not, for many years, result in well directed effort toward a satisfactory method of amendment. It was proposed in the constitutional convention of 1912 that only the ballots of those voting on the amendment should be considered, and that a majority of those should be sufficient to carry such amendment. It was urged that when voters are so indifferent as to overlook a measure submitted to them at the ballot box they should be left entirely out of consideration in determining the result.

To the argument in favor of authorizing the adoption of amendments by a majority only of the votes cast thereon, the answer is made that a matter so important as changing the constitution should require an affirmative vote of a majority of all citizens casting their ballots at the election. This consideration did not, however, prevail in the constitutional convention of 1912, and amendments to our state constitution are now ratified by "a majority of those voting thereon." This greatly facilitates change in the fundamental law of the state.

CHAPTER X

CONSTITUTIONAL CONVENTION OF 1912

The demand for a constitutional convention had its origin in the difficulty experienced in amending the organic law of the state. Had the framers of the constitution in 1851 provided that constitutional amendments should be ratified by a majority of "those voting thereon," it is more than probable that the two subsequent conventions would not have been held.

Three classes of persons were actively interested in calling the convention of 1912:

1. Those who favored the classification of property for purposes of taxation.
2. Those who favored the initiative and referendum.
3. Those who favored the licensing of the traffic in intoxicating liquors.

The subject of taxation has been discussed since the founding of the state government. Citizens are naturally interested in the size of their tax bills. This interest is intensified by the politicians, usually those temporarily out of power who would have the voters believe that the party in power is responsible for high taxes and that a change of officers would lower them. In other words the appeal is often to the pocketbook. The prospect of a diminishing contribution to the tax gatherer is difficult of realization, but always alluring.

The classification of property for purposes of taxation was not a new subject in Ohio. An effort was made to provide for this in the convention of 1873-1874. It failed and the uniform rule remained in force. The Ohio State Board of Commerce, through the Ohio Journal of Commerce, advocated classification. The General Assembly had submitted at different times amendments providing for the proposed change. While these received substantial majorities of votes cast for and against each, they did not receive a majority of all the votes cast for officers at the elections when they were submitted and were therefore lost.

The friends of classification naturally concluded that if the change which they advocated could be submitted at a special election, as part of a new constitution or as a separate proposal, it would easily carry. They therefore favored the calling of a convention.

In the early part of this new twentieth century agitation in favor of direct legislation through the initiative and referendum had made considerable progress in some parts of the United States, notably in the State of Oregon. About the year 1906 the advocates of direct legislation began to organize and make their influence felt in Ohio. It was favored by organized labor, single taxers, small progressive and radical groups, and influential citizens outside of all these. Appeals had been made to the General Assembly to submit to the people an initiative and referendum amendment, but without success. The advocates of this change thought they saw in the call for a constitutional convention the opportunity to elect delegates pledged to this amendment and marshalled their forces for the fray.

Interests Favoring Call of Convention

Now if these two classes—those favoring the classification of property for taxation and those advocating the initiative and referendum—could

have agreed upon a "log-rolling" program on the reciprocal policy of "you-help-me-and-I'll-help-you" they might have carried their "reforms" with big majorities. It so happened, however, that they could agree on only about one thing—the calling of a constitutional convention. Both favored that and helped to roll up the majority in its favor.

For the most part those favoring the classification of property belonged to the conservative class and included manufacturers, bankers and merchants, with interests assumed to run counter to the welfare of those advocating the initiative and referendum. They could not unite on the changes to be worked out by the convention that their united influence had brought into existence.

The liquor interests of the state favored the calling of the convention in the hope that a license provision might be placed in the constitution to supersede the anti-license provision of the constitution of 1851, under which much restrictive legislation had been enacted against those engaged in the liquor traffic. They sought relief in a constitutional license system.

The act providing for the election of delegates to the convention authorized a declaration by the candidate, if he so desired, of his position on the separate submission to the people of, the alternative questions: "Shall the constitution provide for the licensing of the traffic in intoxicating liquors?" or "Shall the constitution prohibit the licensing of the traffic in intoxicating liquors?"

One might conclude from reading the act that the main question to be decided by the convention was the submission of a liquor license amendment. While the wet and dry issue entered into the choice of delegates, it was by no means the dominant one of the election. The progressive movement which had inscribed on its banner, "The initiative and referendum," was sweeping through the country and rapidly gaining adherents in Ohio. People's power clubs, labor organizations, single taxers, and in many localities the Grange were active in its support. They conducted a vigorous campaign and conservative citizens, including those who set out to get an amendment providing for the classification of property for purposes of taxation, began to view the situation with alarm and to fear that they had opened a Pandora box in the support they had given to the calling of a convention.

Choice of Delegates

Delegates were nominated by petition, signed by at least two per cent of the electors who voted at the preceding general election. Any qualified voter who complied with this requirement could be a candidate. There was no limit to the number. The names were placed on the ballot without party designation.

In a general way the result of the election brought few surprises. It soon was known that the forces back of the movement for the initiative and referendum had won. On the face of returns their victory was decisive and it was predicted that they would promptly and with but little opposition organize the convention.

As the date for the meeting of the delegates approached, however, there were multiplying evidences of a lively contest. It is somewhat difficult to organize, at a state capital, without a contest, a body of men elected by the people, and this is especially true in Ohio. The delegates had been elected on non-partisan ballots and some had supposed that the organization would be conducted with unusual decorum and little activity on the part of candidates and their friends. It can hardly be said that this expectation was realized.

Organization

In the organization of the convention party lines were ignored, but that did not prevent a lively contest. Some days before the delegates

assembled the struggle for supremacy began, and the corridors of the Neil House took on the familiar aspect of a political convention, an organization of the General Assembly, or a contest for the position of United States senator in the olden times before that office was filled by direct vote of the people. There were headquarters and candidates and managers, and the race for principle and place waxed warm in spite of editorial expostulation and the chilling blasts of a very wintry January.

When the delegates assembled in the hall of the House of Representatives, January 8, 1912, they were called to order by the temporary chairman, Judge Dennis Dwyer, the oldest delegate that ever sat in an Ohio constitutional convention. He had reached his majority when the constitution of 1851 was adopted and his review of important state events covered by the long period of his active life made a deep impression on all who heard his address.

The election of a president was next in order. After a spirited contest Rev. Herbert S. Bigelow of Cincinnati, an independent democrat in politics and for years a recognized leader of the movement for direct legislation in Ohio, was elected on the eleventh ballot, receiving sixty-two votes out of a total of 116 for all candidates. He promptly assumed the duties of the office and the election of a secretary followed. On the second ballot Charles B. Galbreath, a republican, was chosen, receiving seventy-two votes out of a total of 115 for all candidates. The election of a sergeant-at-arms completed the organization.

The rules adopted provided for a vice president of the convention. On the fourth day Dr. Simeon D. Fess, a republican, president of Antioch College, was elected to this position on the second ballot, receiving sixty-one votes out of a total of 114 for all candidates.

The significance of the organization as seen by the news writers is thus set forth in the leading news item of the Ohio State Journal, January 10, 1912:

"The fourth constitutional convention of Ohio organized yesterday under indisputably progressive, even radical leadership. It elected as its two principal officers, president and secretary, men identified with the Progressive Constitution League, which carried on the successful campaign for the election of the delegates pledged to the initiative and referendum.

"This organization was effected by the election to the presidency of Rev. Herbert S. Bigelow of Hamilton County, democrat, agitator for a decade for the initiative and referendum and a disciple of the theory of single tax, the election to the secretaryship of Charles B. Galbreath of Columbus, republican, former state librarian and advocate of the initiative and referendum, and election as sergeant-at-arms of J. C. Sherlock, democrat of Fairfield County, who is assistant sergeant-at-arms of the House of Representatives.

"Potent in the result was what John D. Fackler of Cuyahoga, in his speech presenting Mr. Bigelow to the convention, referred to as the ever present liquor problem. The dry forces are credited with the victory of Secretary Galbreath and Sergeant-at-arms Sherlock."

The standing committees of the convention and the number of members on each were as follows:

Agriculture, 17.
Arrangement and Phraseology, 9.
Banks and Banking, 17.
Claims against the Convention, 17.
Corporations, other than municipal, 17.
County and Township Organization, 17.
Education, 17.
Employes, 5.
Equal Suffrage and Elective Franchise, 21.
Good Roads, 21.

Initiative and Referendum, 21.
Judiciary and Bill of Rights, 21.
Labor, 17.
Legislative and Executive Departments, 17.
Liquor Traffic, 21.
Method of amending the Constitution, 17.
Miscellaneous Subjects, 17.
Municipal Government, 17.
Printing and Publication, 17.
Public Works, 17.
Rules, 7.
Schedule, 17.
Short Ballot, 17.
Submission and address to the people, 17.
Taxation, 21.

Seven members constituted a quorum for hearings on all committees consisting of seventeen or more members.

Attitude Toward General Assembly

The convention to all outward appearances took up its work in a hostile attitude toward the General Assembly. A pronounced majority of the delegates had expressed themselves emphatically in favor of transferring a large measure of the law making power from the General Assembly directly to the people—of giving the voters of the state the veto on all legislation. And this was done, but with reservations that made this innovation less radical than on its surface it seemed.

At the same time and by this same body of men, however, a large increase of power was granted to the General Assembly. Of the thirty-eight amendments submitted by the convention and approved by the people more than half added to the power of the General Assembly and only one limited the power it had previously exercised.

In 1903 the constitution had been amended, giving the governor what was in effect an absolute veto. A bill disapproved by him could not become a law except by a two-third vote of each house of the General Assembly with the added requirement that "the votes for the passage of said bill shall in each house respectively be no less than those given on the original passage." With this proviso the occasion would indeed be rare when General Assembly could overcome the governor's veto.

In 1912 the movement for the short ballot and the centering of responsibility in the governor was in full swing and found much sympathy in the convention. The number of elective state officers were considerably reduced and the responsibility of the governor was to that extent increased, but his veto power was materially limited.

Inasmuch as the veto power is a subject that has engaged the attention of constitution framers since the foundation of our state government, special reference to the consideration accorded it in the constitutional convention of 1912 may not be out of place here.

The Veto Power

The debate on the abolition of the veto power was precipitated by Mr. Thomas of Cleveland, who brought in a minority report from the committee that had under consideration a proposal to limit the veto power of the governor. "The minority report," declared its author, "abolishes the governor's veto. * * * This convention, I think, is going to grant that power to the people themselves and there will be no necessity of having a certain individual, whether the governor or someone else, to exercise this power in the future."

Mr. Okey of Noble County declared the veto power which had been

granted the governor by constitutional amendment in 1903 "the most drastic conferred by any state in the Union" and further expressed his opposition as follows:

"Why did we want the veto power in Ohio? Was there any demand for the veto power when it passed in 1903? I don't believe there was any campaign made on that question before the people of Ohio and I believe that the veto power was gotten through by designing politicians. One hundred years of Ohio passed away without the power being conferred on the governor, and why at this time is there a demand for the veto power? I claim, as it was claimed in the debates of 1851 by Judge Ranney, that veto power has no place in a representative government; that it is mistrusting the people and inconsistent with our theory of government. We must remember it is the divine prerogative as kings used to call it, and the veto power has not been exercised by the British sovereign for two hundred years; and we here, under republican form of government, so called, in which we claim we have government of the people, for the people, and by the people, place in the hands of our executive who has been elected by the people for executive functions merely, not only executive power but legislative power and judicial power. When the executive vetoes a bill passed by the Legislature he is exercising judicial functions in that it has the same effect as if a law were declared unconstitutional by the court; and we have him likewise exercising legislative functions when we say we have three coordinate branches of government and each must act within its own sphere and neither encroach upon the powers of the other and yet are saying to our representatives that we will confer on the executive * * * power to defeat the will of our chosen representatives, that he knows more than they do about what the people of Ohio need. * * * I claim that is inconsistent with our form of government and we ought not to confer it on any executive."

In opposing the abolition of the veto power of the governor and favoring the grant of a qualified veto power, Mr. Knight said in part:

"Ohio was in colonial days, a part of the territory northwest of the Ohio River, and that territory was nothing more nor less than the first colony founded by the United States government. The government of the United States in founding this first colony did exactly what Great Britain had done two centuries before in founding her colonies, namely appointed an executive and law makers for that colony and the people of the Northwest Territory had nothing whatever to say in the first days of their colonial period either about what the laws should be or when they should go into effect, but there was conferred upon the first governor an absolute veto and that first governor, wise in many things was unwise in others. Especially he does not seem to have been a good politician in that he was generally on the other side from the Legislature and in one or two instances he exercised veto power to the discontent of the people of the region. Therefore when they came to frame the first constitution they did exactly what all the others had done when they came from colonial days; they said 'We will not have anything to do with the veto and we will dispense with it altogether.' That was the condition until about ten years ago.

"The amendment giving the governor present veto power does confer on the governor of Ohio a more drastic power than exists in any other state of the Union, and it is more drastic than should be conferred because it makes it almost impossible that a measure passing unanimously should, if vetoed, pass over the governor's veto. I am entirely in sympathy with the majority report, but it seems to me that to adopt the minority report instead of the majority report puts us where we are simply reversing the experience, and the beneficial experience, of every state in the Union and the United States government itself."

As will be seen by reference to the constitution, a limited or qualified veto was given to the governor. This may be overcome by a three-fifths vote of each house of the General Assembly, which in any event must not be less than the majority required on the original passage of the bill. This is not nearly so drastic as the amendment adopted in 1903. Under this provision it is possible to pass measures over the governor's veto. In fact this has been done a number of times since the present constitutional provision went into effect. When the governor and the majority of the General Assembly are of the same political party, the veto power is not likely to be used extensively, and when used it is not likely to be overcome by the General Assembly. It is when a governor is confronted by a General Assembly with a large majority politically opposed to him that the powers conferred by the qualified veto are usually exercised.

Judicial Department

The judiciary as embraced in article IV of the constitution was materially changed. The Circuit Court was made a Court of Appeals of three judges and its judgment in ordinary cases is final. This prevents an appeal in such cases to the Supreme Court, thus shortening the chain of litigation and relieving the court of last resort of an over crowded docket and consequent delay. Cases involving constitutional questions may be carried directly from the Court of Appeals to the Supreme Court but the latter can not reverse "the finding of the former and hold a statute unconstitutional if more than one of its judges object, but a judgment of the court below holding a statute unconstitutional may be affirmed by a majority of the Supreme Court." This change has frequently been criticised, often under the assumption that it requires the concurrence of all but one of the Supreme Court to hold a law unconstitutional, but a careful reading of the provision shows that this is true only in the reversing of the judgment of the Court of Appeals. If the judgment of the Court of Appeals is that a law is constitutional it requires at least all but one of the judges of the Supreme Court to reverse the judgment of the Court of Appeals and hold the law unconstitutional; but if the Court of Appeals holds a law unconstitutional then the concurrence of only a majority of the Supreme Court is required to affirm the judgment of the Court of Appeals and hold the statute unconstitutional. In other cases judgments are by a majority of the judges of the Supreme Court. This change, therefore, which has been and is still so often discussed simply strengthens a little the presumption that an act of the General Assembly is constitutional. It is far from true to say that it now requires the concurrence of all but one of the judges of the Supreme Court to hold a law unconstitutional.

Provision is made in this revision for a chief justice of the Supreme Court. This is in addition to the six judges for which provision was previously made. The court now consists of seven judges, one of whom is elected as a chief justice.

Other changes of minor importance were made in the judiciary article of the constitution.

Initiative and Referendum

Early in the session of the convention it was evident that an initiative and referendum proposal would be submitted to the electors by a large majority vote of the delegates. It was nevertheless discussed through many days. The printed debates cover about three hundred quarto pages. The arguments turned upon the form the proposal was to take—the precentage of signatures to be required on petitions, what laws should be inhibited from the operations of the proposal, what should constitute emergency acts not subject to the referendum and other details and "safeguards" necessarily involved in the consideration of the transfer of a large share of the law-making power directly to the people.

While the discussion was alternately spirited and monotonous, as it progressed there was a gradual getting together of delegates who started at wide variance on this subject. On March 27, President Bigelow took the floor to address the convention on this proposal, the progress of which had been watched with deep interest, not only in Ohio but far beyond the borders of the state.

Mr. Bigelow is an eloquent and persuasive speaker, and on this occasion he presented his cause with vote getting power. His was not the voice of the uncompromising radical, but a plea for yielding non-essentials that the principle for which he had been long contending might prevail.

Mr. Fess, vice president of the convention, was at no time classified with the radicals. His tendencies were considered conservative. It is worth while to record here how he and President Bigelow got together on the initiative and referendum proposal. Mr. Bigelow made that clear in his speech as follows:

"Now I want to address myself to the subject of this proposed sub-repudiate its crowning virtue. Deny its right to be used on one economic to the debate, I requested the following delegates to the convention to meet in a room to consult with each other as to the possibility of evolving some plan that might satisfy a large number, at any rate, of the delegates. Those invited to help in the work were the vice president, Mr. Fess, Mr. Peck, Mr. Fackler, Mr. Crosser, Mr. Donahey, Mr. Tannehill, Mr. Keller, Mr. Johnson of Madison, Mr. Cassidy, Professor Knight, and Mr. Fluke. These gentlemen went out and worked all afternoon. The result of their work is before you.

"I want now to refer to a note I received from the vice president, who, by the way, asked me to request a leave of absence for him as he had to go to Philadelphia. On the way he wrote me this letter to the convention."

President Bigelow then read the letter of Vice President Fess as follows:

"En route to Philadelphia
"Tuesday, (March) 26, 1912.

"To the Convention—Gentlemen:

"The proposal as now modified to meet the conflicting opinions of the friends of the principle of the initiative and referendum meets my approval. It incorporates the Peck amendment which provides for the direct initiative for amendments to the constitution upon the petition of twelve per cent.

"It provides for the indirect initiative for laws upon a petition of six per cent. It adopts the Washington plan for the submission of competing laws, initiated by the people and the Legislature. It distributes the petitions in a majority of the counties and it surrounds the signatures with safeguards. It inhibits the single tax and classification of property for taxation purposes.

"I think this proposal does what I would like to see done, viz., give the principle to the people but safeguard it so it can not be abused by them.

S. D. Fess."

After reading the letter President Bigelow continued:

"The position taken by the vice president is the position taken by myself, that this proposal does represent every reasonable concession that we have a right to ask of the so-called ultra group here, and that it concedes all that any other group may reasonably expect the rest of us to concede, and I trust that when you have thought it over you will agree with the vice president that it does present a platform on which we may get together."

Some features of the compromise proposal were attacked, not only by the extreme conservative delegates but also by the enthusiastic sup-

porters of the initiative and referendum. Mr. Read, delegate from Summit County, strongly opposed, on principle, the inhibition against the single tax and the classification of property for taxation purposes. Among other things, he said:

"If direct legislation is a practical means of having government by the people, then there should be perfect freedom to use it on every question affecting the welfare of man.

"In the concrete case before us there is an inhibition against its use for ascertaining the popular judgment upon a certain phase of tax problems. It is not because the inhibition applies to a taxation question that I object to it. I would deplore it just as much if the ban were placed on bond issues, on good roads, on the liquor traffic, or on any question which might come up for popular decision.

"The only correct conception of a true initiative and referendum proposal is that it must have universal and uniform application to all questions alike. * * *

"Restrict it (the initiative and referendum) in application and you repudiate its crowning virtue. Deny its right to be used on one economic question and you grant the right to deny its use on others, or on all questions, and thus undermine the whole principle."

After the original compromise or "getting together," the proposal was modified in a number of its features, but as finally passed it was supported by the president and the vice president of the convention and a large majority of the delegates. Eighty-two votes were cast for and eighteen votes against the proposal.

Taxation

The question of taxation was discussed in the convention at great length. The arguments as recorded in the proceedings and debates occupy almost as much space as those on the initiative and referendum. The roll call shows an entirely new alignment of delegates. The president and vice president often parted company in the voting, and the most radical and the most conservative delegates frequently found themselves voting together. Some of those who enthusiastically worked hand in hand for the initiative and referendum were at swords points on the taxation proposal.

The discussion took a wide range. It included the classification of property for purposes of taxation, the one per cent limitation, bond exemption and other phases of the subject.

Those who opposed classification and favored the uniform rule of listing all property for taxation at its "true value in money" were in a majority in the convention. Those who favored classification made an effort to have the two systems submitted to the people as alternative proposals. The president of the convention was deeply interested. He favored classification and took the floor to make an impassioned plea for the submission of alternative proposals in order that the people might vote their preference. After declaring that next to the initiative and referendum the question before the convention (classification) was the one to which he had given most thought and in which he had the most concern, and admitting that those who favored the uniform rule were in the majority in the convention, he asked that the minority might have opportunity to present an alternative proposal.

Speaking for those who favored classification, he said:

"They honestly believe that the people are with them. They come here with this single request, that this convention will not prejudge the question at to where the people stand, but that this convention will permit a clear clean issue to be drawn before the people themselves, as between one side and the other of this dispute."

Mr. Wood of Medina, in opposing classification, gave his opinion as to who were responsible for calling the convention and their object in the following statement:

"I know what this convention was called for. I know who called this convention. I know that it was the Ohio State Board of Commerce. I helped to get the resolution before the General Assembly. I was for the constitutional convention, but I was not for it for the same purpose that those fellows were for it. Now we have had this convention called for the purpose of getting amendments through classifying property for taxation."

Hon. Daniel J. Ryan, in a contribution to the North American Review for November, 1912, expresses a different view of the parties responsible for the calling of the convention:

"This was accomplished through the systematic work of labor leaders, socialists, single-taxers and other reformers. * * * Every socialist center, every lodge of trade unionists and every single-taxer was a militant unit of a silent and persistent propaganda that saw in the proposed convention the long-looked-for opportunity to carry out their well-known doctrines."

While Mr. Woods assigned to the State Board of Commerce the major influence in calling the convention, he virtually admitted that it was not the only influence, for he declared that he himself had aided in bringing about the result. The truth is that other powerful interests supported the call for the convention.

The taxation proposal was lost, reconsidered and after further consideration finally passed by a vote of seventy-seven to thirty-one. As submitted to the people it prohibited a poll tax in money or its equivalent in service; authorized the taxation of bonds issued by the state and any of its political subdivisions; empowered the General Assembly to exempt personal property to the amount of $500 from taxation, to pass laws levying income and inheritance taxes, excise and franchise taxes, and taxes on gas, oil, coal and other minerals produced in the state. Subdivisions of the state issuing bonds were required to levy a tax to pay interest and principle as they became due. The uniform rule established in the convention of 1851 was retained.

License to Traffic in Intoxicating Liquors

The proposal to license the traffic in intoxicating liquors, as in the two preceding conventions, aroused wide interest and proved troublesome to some of the delegates. It was evident that a majority of them were in favor of a restricted license, and so many restrictions were written into the proposal before it finally passed that those engaged in the liquor traffic were in a quandary as to whether the proposed change in the constitution was worth the effort that they had put forth; while many persons of pronounced temperance views favored the proposal for its restrictions, in the belief that they would prepare the way for prohibition at a later date. The convention passed the proposal by a vote of ninety-one to eighteen. A supplemental account of the action in the convention will be found under the special article, "The Temperance Movement in Ohio."

The convention found no difficulty in coming to a conclusion on the change in the method of amending the constitution. The most important feature of this change was the requirement of a majority only of those voting on the amendment proposal by the General Assembly in order to make it a part of the constitution. In favoring the proposed change, Mr. Cunningham of Harrison County said:

"It was a mistake of the framers of the constitution of 1851 that they made that constitution too difficult to amend, and we have had to

resort to various devices to get it amended. The gentlemen who propose this amendment, I think, have made it quite easy to amend the constitution, and I think if the constitution with this proposal in it is adopted by the people, in a very short time they will regard it as the dearest right they have—the ease with which they can amend the constitution."

The proposal including this change passed unanimously, the vote standing, yeas 102, nays none.

Methods of Amending

As the difficulty experienced in amending the constitution through proposals submitted by the General Assembly led to the calling of the last two constitutional conventions, it is more than probable that many years will pass before the calling of another. Some have even gone so far as to predict that the convention of 1912 will be the last held in Ohio. Others will doubtless be held, but as none may be called for two or more generations, the space devoted to this one in these pages may not be inappropriate.

While the delegates in the constitutional convention of 1912 agreed that it should be made easier to amend the constitution, it must not be thought that this may now be done hastily and without ample time for consideration. Proposed amendments must be agreed to by three-fifths of the members elected to each branch of the General Assembly. They are submitted to the people on a separate ballot without party designation. They must be published in at least one paper in each county. There is ample opportunity for discussion in the general assembly and for consideration after they are submitted to the people.

The Delegates

The delegates of the convention of 1912 have been variously classified. By political affiliations there were sixty-three democrats, forty-nine republicans, four independents, two socialists, and one independent republican. To their credit, be it said, partisan division was manifest at no stage of the proceedings. On not a single roll call or vote was there such alignment. Even the natural division of progressives and conservatives was not clearly marked, and whenever there seemed to be a disposition to mould a portion of the convention into a faction to control definitely its policy, the plan was promptly brought to naught. In their consideration of measures the delegates were untrammeled and exhibited a freedom and independence consistent with their trust and the high character of the work that they were called upon to perform. It was this fact, more than any other consideration, that caused the people to forget controversies attending the organization of the convention, and change the adverse criticism of the press to an attitude of toleration and favor.

As in the previous conventions of the state, with the possible exception of the first, lawyers were most numerously represented in the membership. Grouped by professions, there were forty-six lawyers, twenty-five farmers, six teachers, five bankers, four physicians, four ministers and twenty-nine who followed a variety of vocations. The latter included the union labor group, not numerically large, but wielding a powerful influence in the convention. Among the teachers were some of the leading educators of the state and their contribution to the work proportionately far surpassed their numerical representation. The farmers, while they did not occupy much time in debate, included many of the "middle-of-the-roaders," the real conservatives whose influence and votes were frequently potent in guiding the work of the convention between the extremes of radicalism and reaction. A number of the delegates had previously had experience in the public service. Some had

been circuit and common pleas judges; others had served in the Legislature, one as speaker of the House of Representatives; and one had been a member of Congress. To summarize in a brief sentence, the Fourth Constitutional Convention of Ohio was in the broadest and best sense representative of the citizenship of the state. Such will be the impartial judgment of history.

Popular Interest

The convention from its inception to its conclusion attracted wide attention throughout the United States. The progressive wave then sweeping the country was approaching its crest. The initiative and referendum, the recall, judicial reform, municipal home rule, woman suffrage, regulation of corporations, conservation of natural resources, welfare of employes, the issue of injunctions in controversies between capital and labor, and other subjects considered had an interest not limited by state lines. Beyond the borders of Ohio students and men of affairs were eagerly watching to see what solution an important state of the Middle West would offer for these problems.

Addresses by Distinguished Guests

This general interest was attested in the willingness with which distinguished men accepted invitations to address the convention. Those from our own state, who in any event would probably have responded, were President William H. Taft, Governor Judson Harmon, ex-Senator Joseph B. Foraker, Senator Theodore E. Burton, Mayor Henry T. Hunt of Cincinnati, Mayor Brand Whitlock of Toledo, and Mayor Newton D. Baker of Cleveland. Speakers from outside of the state who were attracted by the Nation-wide interest in issues under consideration were ex-President Theodore Roosevelt, William Jennings Bryan, Governor Hiram Johnson and Judge Ben Lindsay. The addresses of Governor Harmon and ex-President Roosevelt were regarded as the platforms on which they sought nominations for the Presidency, and as such they were widely read and will for years to come attract attention of the student of political history.

All of these speakers were honored by the presence of large audiences. The coming of Theodore Roosevelt brought great crowds to Columbus, a small portion only of which could be admitted to the convention hall. His speech was the subject of much editorial comment. It was in this address that he declared in favor of the "recall of judicial decisions" and other progressive reforms. William Jennings Bryan and Hiram Johnson found themselves in cordial sympathy with the dominant spirit of the convention, as did most of the other speakers. A jolt came with Governor Harmon's frank avowal of his opposition to the initiative and referendum. The coming of ex-Senator Foraker was awaited with keen interest. He was known to be strongly opposed to much of the work of the convention and his friends who filled the lobby and the galleries expected from him an exhibition of his old-time vigor and fire. There had been in the convention some opposition to extending to him the invitation. This alone doubtless helped him to reach a prompt conclusion to respond. He came, and his friends were not disappointed. His carefully prepared address is still full of interest to the reader and ranks high with the others delivered by those invited to speak before the convention, but there is missing the magnetic personality. At one point the printed speech reads:

"First now, in regard to the initiative and referendum. It has been remarked in the last few days that they commonly go together. I hope that they will and go the right way."

As the writer distinctly recalls, what he actually did say in the concluding sentence was:

"I hope that is true, and the farther they go the better."

This was greeted with laughter and a round of applause. His speech on the whole was dignified and forceful. Joseph Benson Foraker had spoken often in Columbus, but seldom if ever to better advantage than before the constitutional convention in discussing subjects on which his views were at variance from those of a large majority of the delegates.

Little did any who heard Mayor Baker and Mayor Whitlock dream that both were to gain enduring fame in a World war.

The convention recessed June 7, 1912, and on August 26 reconvened and adjourned without delay. In many respects it was the most remarkable constitutional convention held in the state. Its importance was generally recognized.

Proposals Submitted

Forty-two proposals were passed by the convention, many of them truly fundamental in character and dealing with matters of great importance. These were submitted as separate amendments in the order, with the exception of the license proposal, of their prospective position in the constitution, and every elector in the state was given the opportunity to vote on each of them. It would be difficult to offer greater freedom of choice. Each proposal stood or fell on its merit. Its fate, with possibly a single exception, did not materially affect that of any other proposal. This method of submission to the electors influenced favorably the popular verdict on the work of the convention.

While the convention was in session the newspapers of the state gave much space to the proceedings. An "address to the people," containing the full text of each proposed amendment, with a brief explanation, and followed by a sample ballot, was published and circulated extensively from the office of the secretary and in supplement form through the county newspapers of the state. About 1,500,000 copies of this "address" were distributed. The work of the convention was well advertised.

At first little organized opposition was manifest. It was charged that the "interests" were alert and that they were striving in dark and devious ways to circumvent the approval of "the people's new charter of liberty," but all on the surface was serene until the opposition, shortly before election day, unmasked and unlimbered their guns and poured forth volleys of "literature" that made the advertising of the convention look inadequate and insignificant. Tons of pamphlets, some of considerable size, were scattered broadcast over the state. Cards and circulars were numerically in evidence warning against the advent of socialism and industrial disaster, and sagely advising voters, "When in doubt, vote no."

The work of the convention as a whole was very acceptable to organized labor. That interest for years had been advocating principles embodied in some of the proposed amendments. Much help was expected from the unions. Practically nothing was submitted that incurred their opposition. The fixing of the special election immediately followed Labor Day was not accidental. It afforded the opportunity that was liberally utilized to make a final appeal to working men and their friends not to fail to come forth and vote in behalf of their own cause on the day following.

Sunshine greeted the electors of Ohio on September 3. The weather was ideal, and "the most important election of the state in this generation" should have called forth a record vote. This was not expected, however, in spite of the efforts of the press and general activity in the closing days of the campaign. The result is full of interest to students of the referendum. At no previous election in any state had so many measures been submitted to the people on one ballot with opportunity to vote on each separately. Following is the result:

SPECIAL ELECTION, SEPTEMBER 3, 1912.

No.	Titles of Amendments		Votes	Total	Majority For	Majority Against
1	Article I, Section 5. Reform in Civil Jury System.	Yes..	345,686			
		No...	203,953	549,639	141,733	
2	Article I, Section 9. Abolition of Capital Punishment	Yes..	258,706			
		No...	303,246	561,952		44,540
3	Article I, Section 10. Depositions by State and Comment on Failure of Accused to Testify in Criminal Cases.	Yes..	291,717			
		No...	227,547	519,264	64,170	
4	Article I, Section 16. Suits Against the State	Yes..	306,764			
		No...	216,634	523,398	90,130	
5	Article I, Section 19a. Damage for Wrongful Death	Yes..	355,605			
		No...	195,216	550,821	160,389	
6	Article II, Sections 1, 1a, 1b, 1c, 1d, 1e, 1f, 1g. Initiative and Referendum	Yes..	312,592			
		No...	231,312	543,904	81,280	
7	Article II, Section 8. Investigations by Each House of General Assembly	Yes..	348,779			
		No...	175,337	524,116	173,442	
8	Article II, Section 16. Limiting Veto Power of Governor	Yes..	282,412			
		No...	254,186	536,598	28,226	
9	Article II, Section 33. Mechanics' and Builders' Liens	Yes..	278,582			
		No...	242,385	520,967	36,197	
10	Article II, Section 34. Welfare of Employes	Yes..	353,588			
		No...	189,728	543,316	163,860	
11	Article II, Section 35. Workmen's Compensation	Yes..	321,558			
		No...	211,772	533,330	109,786	
12	Article II, Section 36. Conservation of Natural Resources	Yes..	318,192			
		No...	191,893	510,085	126,299	
13	Article II, Section 37. Eight Hour Day on Public Work	Yes..	333,307			
		No...	232,898	566,206	100,409	
14	Article II, Section 38. Removal of Officials	Yes..	347,333			
		No...	185,986	533,319	161,347	
15	Article II, Section 39. Regulating Expert Testimony in Criminal Trials	Yes..	336,987			
		No...	185,458	522,445	151,529	
16	Article II, Section 40. Registering and Warranting Land Titles	Yes..	346,373			
		No...	171,807	518,180	174,566	
17	Article II, Section 41. Abolishing Prison Contract Labor	Yes..	333,034			
		No...	215,208	548,242	117,826	
18	Article III, Section 8. Limiting Power of General Assembly in Extra Sessions	Yes..	319,100			
		No...	192,130	511,230	126,970	
19	Article IV, Sections 1, 2, and 6. Change in Judicial System	Yes..	264,922			
		No...	244,375	509,297	20,547	
20	Article IV, Sections 3, 7, 12 and 15. Judge of Court of Common Pleas for Each County	Yes..	301,891			
		No...	223,287	525,178	78,604	
21	Article IV, Section 9. Abolition of Justices of the Peace in Certain Cities	Yes..	264,832			
		No...	252,936	517,768	11,896	
22	Article IV, Section 21. Contempt Proceedings and Injunctions	No...	240,896			
		Yes..	257,302	498,198		16,406
23	Article V, Section 1. Woman's Suffrage	Yes..	249,420			
		No...	336,875	586,295		87,455
24	Article V, Section 1. Omitting Word "White"	Yes..	242,735			
		No...	265,693	508,428		22,958

Special Election, September 3, 1912—*Continued*

No.	Titles of Amendments		Votes	Total	Majority For	Majority Against
25	Article V, Section 2. Use of Voting Machines.....	Yes..	242,342			
		No...	288,652	530,994		46,310
26	Article V, Section 7. Primary Elections	Yes..	349,801			
		No...	183,112	532,913	166,689	
27	Article VI, Section 3. Organization of Boards of Education	Yes..	298,460			
		No...	213,337	511,797	85,123	
28	Article VI, Section 4. Creating the Office of Superintendent of Public Instruction to Replace State Commissioner of Common Schools..	Yes..	256,615			
		No...	251,946	508,561	4,669	
29	Article VIII, Section 1. To Extend State Bond Limit to $50,000,000 for Inter-County Wagon Roads	Yes..	272,564			
		No...	274,582	547,146		2,018
30	Article VIII, Section 6. Regulating Insurance	Yes..	321,388			
		No...	196,628	518,016	124,760	
31	Article VIII, Section 12. Abolishing Board of Public Works	Yes..	296,635			
		No...	214,829	511,464	81,806	
32	Article XII, Sections 1, 2, 6, 7, 8, 9, 10, 11. Taxation of State and Municipal Bonds, Inheritances, Incomes, Franchises and Production of Minerals.....	Yes..	269,039			
		No...	249,864	518,903	19,175	
33	Article XIII, Section 2. Regulation of Corporations and Sale of Personal Property..	Yes..	300,466			
		No...	212,704	513,170	87,762	
34	Article XIII, Section 3. Double Liability of Stockholders and Inspection of Private Banks	Yes..	377,272			
		No...	156,688	533,960	220,584	
35	Article XV, Section 2. Regulating State Printing....	Yes..	319,612			
		No...	192,378	511,990	127,234	
36	Article XV, Section 4. Eligibility of Women to Certain Offices	Yes..	261,806			
		No...	284,370	546,176		22,564
37	Article XV, Section 10. Civil Service	Yes..	306,767			
		No...	204,580	511,347	102,187	
38	Article XV, Section 11. Out-Door Advertising	Yes..	261,361			
		No...	262,440	523,801		1,079
39	Article XVI, Sections 1, 2 and 3. Methods of Submitting Amendments to the Constitution...	Yes..	271,827			
		No...	246,687	518,514	25,140	
40	Article XVIII, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14. Municipal Home Rule	Yes..	301,861			
		No...	215,120	516,981	86,741	
41	Article XV, Section 9. Schedule of Amendment.....	Yes..	275,062			
		No...	213,979	489,041	61,083	
	For License to Traffic in Intoxicating Liquors		273,361			
	Against License to Traffic in Intoxicating Liquors		188,825	462,186	84,536	

Some previous Ohio election statistics are here given for purposes of comparison. The vote for governor in 1908 was 1,125,054; in 1910, 932,262.

The highest vote cast on any amendment in this special election was 586,295 on woman's suffrage; the lowest, 462,186, was polled on the

liquor license amendment. A vigorous campaign was waged for both of these. It will be noted, however, that the aggregate vote on the latter was much lower than that given for any other proposal. It stood alone at the head of the second column of the ballot and many voters evidently, after following down the column to No. 41, thought they had reached the end of the list and did not notice the license proposal at the head of the next column.

Of all questions considered, the initiative and referendum was most extensively discussed in and out of the convention. While the majority for this prime article of the progressive faith was large, it was exceeded by that given for each of twenty-three other proposals.

Measures accorded a high vote in the convention were not always correspondingly popular with the electors of the state. The amendment receiving the highest majority passed the convention by only a single vote more than the lowest in the entire series, while Nos. 24 and 36, which passed the convention almost unanimously, were both defeated.

Attractive titles undoubtedly helped to increase the majority in some instances. Amendment No. 1 is brief. Following is the full text:

"The right of trial by jury shall be inviolate, except that in civil cases laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury."

This amendment was given the title, "Reform in Civil Jury System." "Reform" in the progressive days of 1912 was peculiarly attractive. It was a case in which a rose by any other name would not smell quite so sweet. This initial word probably brought a few thousand additional votes to an amendment that would certainly have carried with a more appropriate title. In this class should be included No. 10, "Welfare of Employes." It provided that laws may be passed fixing and regulating the hours of labor, establishing a minimum wage and providing for the health, comfort, safety and general welfare of employes. In this instance also the title helped a proposal that would probably have carried with a more explicit designation.

The friends of good government were encouraged by the substantial approval of the civil service proposal. It provided that laws must be passed establishing the merit system in the state and its political subdivisions. No special efforts were put forth by any organization in its behalf and yet it carried by over 100,000 majority. The theory of this amendment and the laws enacted "pursuant thereof" is fine, but practice sometimes comes halting and limping behind. The ideal has not yet been realized, but the public service has been improved and the more reprehensible practices of the spoils system have been eliminated.

Proposal No. 33, "regulation of Corporations and Sale of Personal Property," gave the General Assembly power to regulate the issue and sale of stocks and bonds and to supervise the business of corporations. It authorized legislation to prevent the sale of fraudulent stocks and bonds. This amendment, while it has not in all cases protected the public against promoters, has doubtless saved millions of dollars to the people of Ohio.

It will be seen that eight of the forty-two proposals failed to receive the required majority. The first of these is the "Abolition of Capital Punishment." The old doctrine of "an eye for an eye and a tooth for a tooth" was urged in the convention and more effectively before the people. It was also pointed out that under existing law in Ohio the jury may recommend mercy and thus prevent electrocution. The issue was clearly defined and the result fairly represents the sentiment of the state on this subject at the time of the election. The abolition of capital punishment, in spite of vigorous opposition, is gradually making progress in the United States. A few states have recently joined those that have abolished the death penalty and in time Ohio may follow. This result

may be attained by legislative enactment without amending the constitution.

The failure of No. 22, providing for the regulation of contempt proceedings and the prohibition of injunctions in controversies involving the employment of labor, to receive a majority of the votes cast occasioned much surprise. The principle embodied in this proposal had been advocated for years by organized labor. The result showed an undercurrent of conservatism that prevailed against one of the favorite tenets of the labor group.

Woman's suffrage was defeated by a decisive majority. The liquor interests were most active in opposing this proposal. The opposition to it also evidently adversely affected No. 36, which provided for the appointment of women to certain offices of the state and its political subdivisions, "where the interests and care of women and children are involved." These reactionary verdicts have been reversed as we shall see later.

Perhaps the greatest surprise was the result of the vote on No. 24, "Omitting the word 'white'." The constitution of 1851, which was adopted before the emancipation of the colored race, limited the elective franchise to "every white male citizen of the United States of the age of twenty-one years." The word "White" still remains in the constitution although it was made of non-effect by the adoption of the fifteenth amendment to the Constitution of the United States. The proposal simply sought to make the constitution of Ohio harmonize in form with the National Constitution. A similar amendment, complicated, it is true, with other issues, was submitted in this state in 1867 and defeated. Race prejudice seems to cling to Ohio, a state that poured forth her blood freely to blot out an invidious distinction that is still retained in her constitution.

The authorization of the "Use of Voting Machines" was defeated largely through the strenuous opposition to it in the City of Cleveland and the apprehension in the rural counties that the innovation would involve needless expense. Perhaps the word "machine" had for some a sinister suggestion that increased the unfavorable vote.

Amendment No. 29, best known among its friends as the "good roads" proposal, was strongly combated in the convention and the opposition was carried to the people. The heaviest vote against it was polled by the farmers of the counties that already had good roads. Many voters in the cities and in the country were opposed to raising the bond limit of the constitution for any purpose.

The last in the list of defeated proposals is No. 38, "outdoor advertising." This simply sought to give the General Assembly authority to regulate outdoor advertising, especially billboards, which often mar the beauty of cities by their unsightly displays. The billboard companies fought the proposal and thoroughly circularized the state against it. They succeeded in defeating it by a very narrow margin.

The amendments that carried, without exception, received their large majorities in the cities of the state. The country vote was light and conservative. In a number of the rural counties every proposal was voted down.

CHAPTER XI

SINCE THE CONSTITUTIONAL CONVENTION OF 1912

While the work of the constitutional convention of 1912 has encountered some adverse criticism, it has, beyond the anticipation of its most sanguine defenders, escaped successful political assault. The people seem to have adjusted themselves rather readily to the changes in their basic law and with the single exception of the liquor license amendment no attempt has been made to repeal any of the work of the convention.

One of the amendments submitted and defeated in 1912, making women eligible to certain offices requiring the care of women and children, was one year later submitted to the electors of the state by the General Assembly, ratified by them and is now Article XV, Section 4 of the constitution.

The amendment giving women the right of suffrage, submitted by the convention and defeated at the election, is now the nineteenth amendment to our national constitution and Ohio is among the states whose legislatures ratified it. This, of course, makes the proviso in Article XV, Section 4 superfluous.

The initiative and referendum amendment still holds its place in the fundamental law of the state, and no attempt at its repeal has been made or seriously considered. It has not materially disturbed any considerable number of the citizens of the state and even the politicians find it no serious bar to their patriotic activities. While it may be truly said to have imposed a salutary check on the General Assembly, it must be admitted that it has not proved the panacea for the ills of government that its proponents prophesied nor has it brought the dire calamities predicted by its enemies. The large sums of money required to obtain signatures to petitions and conduct campaigns in support of measures have acted as a safeguard against its excessive use. Except upon fundamental questions in regard to which electors may have well defined and somewhat intelligent opinions, they have not manifested an enthusiastic desire to participate in direct legislation. Sometimes it has seemed that they have been disposed to heed the conservative advice—"When in doubt, vote no." This disposition to vote everything down may in time encourage minorities to use the referendum to defeat laws by thrusting them upon the ballot where they are sure to get the adverse votes of those who will not take the time to inform themselves and the not inconsiderable class that opposes everything in the form of new legislation. There is perhaps warrant for the prediction that the initiative and referendum will be used with diminishing frequency and only upon questions of general interest.

Restricted license to traffic in intoxicating liquors was not regarded by perhaps a single delegate in the convention as the final settlement of the liquor problem. It was only a truce, and a rather short one, in the long fight between the advocates of prohibition and the liquor interests. Neither party to the contest was satisfied with the terms of this truce. It was broken in 1914, the year following the adoption of the license amendment which included the following inhibitions against the issue of licenses to sell intoxicating liquors in dry territory:

"When the traffic is or may be prohibited under laws applying to counties, municipalities, townships, residence districts or other districts now prescribed by law, the traffic shall not be licensed in any such local subdivision while any prohibatory law is operative therein, and nothing

herein contained shall be so construed as to repeal, modify, or suspend any such prohibatory laws or any regulatory laws now in force or hereafter enacted, or to prevent the future enactment, modification or repeal of any prohibitory or regulatory laws."

Having won a partial victory in their effort to get a license provision of some kind into the constitution, the liquor interests proceeded to initiate an amendment to strike out that part of the restriction quoted which preserved the county option law. This law had been especially annoying to them and seemed destined soon to confine the traffic to a few counties containing large cities.

The temperance forces of the state met the issue by initiating an amendment providing for state-wide prohibition. When the smoke of battle rose on the night after the November election it was found that the liquor interests had triumphed. They defeated state-wide prohibition and put into the constitution the inhibition against county option. This legalized the saloon in many counties that had voted dry—a big victory for the wets, but in winning it they invited their final overthrow. The defeat of county option aroused the temperance advocates to redouble efforts and finally, in 1918, the amendment prohibiting the manufacture and sale of intoxicating liquors as a beverage was made a part of our state constitution. A similar amendment was submitted by the Congress of the United States, ratified by the required number of states, and is now a part of our National Constitution. This was ratified by the General Assembly of Ohio. An effort was made to invoke the referendum against ratification under an amendment adopted November 5, 1918, to Section 1, Article II, of the state constitution, but this failed, as the Supreme Court of the United States declared that such ratification is not subject to the referendum.

A more complete legislative history of the liquor traffic in the state will be found in the chapter on the "Temperance Movement in Ohio."

No final solution has yet been discovered for the problem of taxation. How to raise most equitably the revenues to meet the constantly growing needs of the state is a question that rises perennially. In the first issue of the first newspaper printed in the Northwest Territory is found a communication on the subject of taxation. The author reaches the conclusion that since taxes are raised for the support of the Government they ought to be levied upon the citizen in proportion to his property. That seems to be a just conclusion, a very practical proposition, but neither constitutional nor legislative provision has yet secured that result. Endless discussion of the subject often seems to mystify rather than to clarify the atmosphere. Since the constitutional convention of 1912 a slight modification of Article XII, Section 2, has been made. By a constitutional amendment adopted November 5, 1918, "laws may be passed to provide against double taxation that results from the taxation of both real estate and the mortgage or the debt secured thereby, or other lien upon it." This simply supplements the section as amended September 3, 1912.

Adjusted compensation for the soldiers who served in the World war was authorized by a constitutional amendment adopted November 8, 1921. This amendment raises the bond limit of $750,000 and provides for the issue and sale of bonds to the amount of $25,000,000 for the specific purpose of paying to each World war soldier who entered the service from Ohio $10 a month and not to exceed in the aggregate $250 as additional compensation for his services. This amendment, which appears as Section 2a of Article VIII, is somewhat lengthy and includes much statutory detail. It was thus framed to avoid the delay that would have been necessary to secure supplemental legislation and to acquaint electors with just what it was intended to accomplish. When its purpose has been effected it will stand simply as a historic landmark in the constitution. May it remain there for all time to tell the gratitude of the State of Ohio to her valiant sons who answered the call of country to

maintain constitutional rights, to stay the march of autocracy, to save civilization in the crisis of a World war.

At the election of 1923 two amendments to the constitution were adopted.

The first of these materially modified Section 35 of Article II by providing that payment of compensation "to workmen and their dependents for death, injuries or occupational disease" should prevent those receiving such compensation from an action to recover damages in court. An employer paying the compensation provided by law "shall not be liable to respond in damages at common law or by statute." It provides further that the board administering the workman's compensation law shall be final in fixing awards. This amendment was favored by organized labor, the Manufacturers' Association, and electors without regard to party.

At the same election Section 1, Article V, of the constitution was amended by changing the opening words "every white male citizen" to "every citizen." The elective franchise had been extended by amendment of the Constitution of the United States to citizens without regard to sex or color, and the change simply made this section of the state constitution correspond in form with the provisions of the National Constitution.

Constitution of Ohio

As Amended to November 1, 1924

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THE CONSTITUTION OF THE STATE OF OHIO

With All Amendments Thereto

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this constitution.

ARTICLE I

BILL OF RIGHTS

Sec. 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

Sec. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the General Assembly.

Sec. 3. The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives; and to petition the General Assembly for the redress of grievances.

Sec. 4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty; and shall not be kept up; and the military shall be in strict subordination to the civil power.

Sec. 5. The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

(Adopted September 3, 1912.)

Sec. 6. There shall be no slavery in this state, nor involuntary servitude, unless for the punishment of crime.

Sec. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment

of its own mode of public worship, and to encourage schools, and the means of instruction.

Sec. 8. The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion, the public safety require it.

Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishment inflicted.

Sec. 10. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witness face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense. (Adopted September 3, 1912.)

Sec. 11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or by the press. In all criminal prosecutions for libel the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motive, and for justifiable ends, the party shall be acquitted.

Sec. 12. No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Sec. 14. The right of the people to be secure in their persons, houses, papers and possessions against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

Sec. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

Sec. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by law. (Adopted September 3, 1912.)

Sec. 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this state.

Sec. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

Sec. 19. Private property shall ever be held inviolate but subservient to the public welfare. When taken in time of war, or other public exigency, imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money, and such compensation shall be assessed by a jury, without deduction for benefit to any property of the owner.

Sec. 19a. The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law. (Adopted September 3, 1912.)

Sec. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

ARTICLE II

LEGISLATIVE

Sec. 1. The legislative power of the state shall be vested in a General Assembly consisting of a Senate and House of Representatives, but the people reserve to themselves the power to propose to the General Assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, section of any law or any item in any law appropriating money passed by the General Assembly, except as hereinafter provided; and independent of the General Assembly to propose amendments to the constitution and to adopt or reject the same at the polls. The limitations expressed in the constitution, on the power of the General Assembly to enact laws, shall be deemed limitations on the power of the people to enact laws. (Adopted September 3, 1912.)

The people also reserve to themselves the legislative power of the referendum on the action of the General Assembly ratifying any proposed amendment to the Constitution of the United States.

No such ratification shall go into effect until ninety days after it shall have been adopted by the General Assembly. When a petition signed by six per centum of the electors of the state as is provided for a referendum petition on laws passed by the General Assembly shall have been filed with the secretary of state within ninety days after said ratification by the General Assembly, ordering that such ratification be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection said ratification in the manner provided for the submission by referendum of a law passed by the General Assembly, and said action of the General Assembly ratifying said amendment to the Constitution of the United States shall not go into effect until and unless approved by a majority of those voting upon the same. All the provisions of this article on the subject of the referendum upon laws passed by the General Assembly shall apply hereto, so far as the same are applicable, except that the General Assembly may not declare its ratification of a proposed amendment to the Constitution of the United States as an emergency not subject to the referendum. (Adopted November 5, 1918.)

The ratification of a proposed amendment to the Federal Constitution by the Legislature of a state is not an act of legislation, in the proper sense of the word; it is but the expression of

the assent of the state to the proposed amendment. Davis v. Hildebrant, 241 U. S. 561.

The action of the General Assembly of Ohio ratifying the proposed Eighteenth amendment cannot be referred to the electors of the state, the provisions of the state constitution requiring such reference being inconsistent with the Constitution of the United States. Hawke v. Smith, 253 U. S. 221.

Sec. 1a. The first aforestated power reserved by the people is designated the initiative, and the signatures of 10 per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next preceding regular or general election in any year occurring subsequent to ninety days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors." (Adopted September 3, 1912.)

Sec. 1b. When at any time, not less than ten days prior to the commencement of any session of the General Assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the General Assembly as soon as it convenes. If said proposed law shall be passed by the General Assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the General Assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection at the next regular or general election, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed law shall have been rejected by the General Assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the General Assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted in the form demanded by such supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches of the General Assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the General Assembly, and such amended law passed by the General Assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in section 1a and section 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which

it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor. (Adopted September 3, 1912.)

Sec. 1c. The second aforestated power reserved by the people is designated the referendum and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item in any law appropriating money passed by the General Assembly. No law passed by the General Assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, as herein provided. When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed by the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection such law, section or item, in the manner herein provided, at the next succeeding regular or general election in any year occurring subsequent to sixty days after the filing of such petition, and no such law, section or item shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any such section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect. (Adopted September 3, 1912.)

Sec. 1d. Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect. Such emergency laws upon a yea and nay vote must receive the vote of two-thirds of all the members elected to each branch of the General Assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon. The laws mentioned in this section shall not be subject to the referendum. (Adopted September 3, 1912.)

Sec. 1e. The powers defined herein as the "initiative" and "referendum" shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property. (Adopted September 3, 1912.)

Sec. 1f. The initiative and referendum powers are hereby reserved to the people of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action; such powers shall be exercised in the manner now or hereafter provided by law. (Adopted September 3, 1912.)

Sec. 1g. Any initiative, supplementary or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence.

A signer residing outside of a municipality shall state the township and county in which he resides. A resident of a municipality shall state in addition to the name of such municipality, the street number, if any, of his residence and the ward and precinct in which the same is located. The names of all signers to such petitions shall be written in ink, each signer for himself. To each part of such petition shall be attached the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of the signers of such part of such petition and shall state that each of the signatures attached to such part was made in the presence of the affiant, that to the best of his knowledge and belief each signature on such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed it to be electors, that they so signed said petition with knowledge of the contents thereof; that each signer signed the same on the date stated opposite his name; and no other affidavit thereto shall be required. The petition and signatures upon such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than forty days before the election, it shall be otherwise proved and in such event ten additional days shall be allowed for the filing of additional signatures to such petition. No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section, or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the General Assembly, if in session, and if not in session then by the governor. The secretary of state shall cause to be printed the law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of 300 words for each, and also the arguments and explanations, not exceeding a total of 300 words against each, and shall mail, or otherwise distribute, a copy of such law, or proposed law, or proposed amendment to the constitution, together with such arguments and explanations for and against the same to each of the electors of the state, as far as may be reasonably possible. Unless otherwise provided by law, the secretary of state shall cause to be placed upon the ballots, the title of any such law, or proposed law, or proposed amendment to the constitution, to be submitted. He shall also cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be it Resolved by the People of the State of Ohio." The basis upon which the required number of

petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provision or the powers herein reserved. (Adopted September 3, 1912.)

Sec. 2. Senators and representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November; their term of office shall commence on the first day of January next thereafter, and continue two years. (Adopted October 13, 1885.)

Sec. 3. Senators and representatives shall have resided in their respective counties, or districts, one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this state.

Sec. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in, the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

Sec. 5. No person hereafter convicted of an embezzlement of the public funds shall hold any office in this state; nor shall any person, holding public money for disbursement, or otherwise, have a seat in the General Assembly until he shall have accounted for, and paid such money into the treasury.

Sec. 6. Each house shall be judge of the election, returns and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as shall be prescribed by law.

Sec. 7. The mode of organizing the house of representatives at the commencement of each regular session, shall be prescribed by law.

Sec. 8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and, with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all powers, necessary to provide for its safety and the undisturbed transaction of its business, and to obtain, through committees or otherwise, information affecting legislative action under consideration or in contemplation, or with reference to any alleged breach of its privileges or misconduct of its members, and to that end to enforce the attendance and testimony of witnesses, and the production of books and papers. (Adopted September 3, 1912.)

Sec. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

Sec. 10. Any member of either house shall have the right to protest against any act, or resolution thereof; and such protest, and the reasons therefor, shall without alteration, commitment, or delay, be entered upon the journal.

Sec. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

Sec. 12. Senators and representatives, during the session of the general assembly, and in going to and returning from the same, shall be privileged from arrest, in all cases, except treason, felony or breach of the peace; and for any speech, or debate, in either house, they shall not be questioned elsewhere.

Sec. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that in which the two houses shall be in session.

Sec. 15. Bills may originate in either house; but may be altered, amended or rejected in the other.

Sec. 16. Every bill shall be fully and distinctly read on three different days, unless in case of urgency three-fourths of the House in which it shall be pending, shall dispense with the rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the governor for his approval. If he approves, he shall sign it and thereupon it shall become a law and be filed with the secretary of state. If he does not approve it, he shall return it with his objections in writing to the house in which it originated, which shall enter the objections at large upon its journal, and may then reconsider the vote on its passage. If three-fifths of the members elected to that house vote to repass the bill, it shall be sent, with the objections of the governor, to the other house, which may also consider the vote on its passage. If three-fifths of the members elected to that house vote to repass it, it shall become a law notwithstanding the objections of the governor, except that in no case shall a bill be repassed by a smaller vote than is required by the constitution on its original passage. In all such cases the vote of each house shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered upon the journal. If a bill shall not be returned by the governor within ten days, Sundays excepted, after being presented to him, it shall become a law in like manner as if he had signed it, unless the general assembly by adjournment prevents its return; in which case, it shall become a law unless, within ten days after such adjournment, it shall be filed by him, with his objections in writing in the office of the secretary of state. The governor may disapprove any item or items in any bill making an appropriation of money and the item or items, so disapproved, shall be void, unless repassed in the manner herein prescribed for the repassage of a bill. (Adopted September 3, 1912.)

Sec. 17. The presiding officer of each house shall sign, publicly in the presence of the house over which he presides, while the same is in session and capable of transacting business, all bills, and joint resolutions passed by the General Assembly.

Sec. 18. The style of the laws of this state shall be, "Be it enacted by the General Assembly of the State of Ohio."

Sec. 19. No senator or representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this state, which shall be created or the emoluments of which shall have been increased, during the term for which he shall have been elected.

Sec. 20. The General Assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers: but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

Sec. 21. The General Assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

Sec. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years,

Sec. 23. The house of representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

Sec. 24. The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office, under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

Sec. 25. All regular sessions of the General Assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, 1852.

Sec. 26. All laws, of a general nature, shall have a uniform operation throughout the state; nor, shall any act, except such as relates to public schools be passed, to take effect upon the approval of any other authority than the General Assembly, except, as otherwise provided in the constitution.

Sec. 27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the general assembly, except as prescribed in this constitution, and in the election of the United States senators; and in these cases the vote shall be taken "viva voce."

Sec. 28. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects and errors in instruments and proceedings arising out of their want of conformity with the laws of this state.

Sec. 29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, or any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

Sec. 30. No new county shall contain less than 400 square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seat, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing 100,000 inhabitants, may be divided, whenever a majority of the voters reside in each of the proposed divisions shall approve the law passed for that purpose; but no town or city within the same shall be divided, nor shall either of the divisions contain less than 20,000 inhabitants.

Sec. 31. The members and officers of the general assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

Sec. 32. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

Sec. 33. Laws may be passed to secure to mechanics, artisans, laborers, sub-contractors and material men, their just dues by direct lien

upon the property, upon which they have bestowed labor or for which they have furnished material. No other provision of the constitution shall impair or limit this power. (Adopted September 3, 1912.)

Sec. 34. Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety and general welfare of all employes; and no other provision of the constitution shall impair or limit this power. (Adopted September 3, 1912.)

Sec. 35. For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund to be created by compulsory contribution thereto by employers, and administered by the state, determining the terms and conditions upon which payment shall be made therefrom. * * * Such compensation shall be in lieu of all other rights to compensation, or damages, for such death, injuries, or occupational disease, and any employer who pays the premium or compensation provided by law, passed in accordance herewith, shall not be liable to respond in damages at common law or by statute for such death, injuries or occupational disease. Laws may be passed establishing a board which may be empowered to classify all occupations, according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto. Such board shall set aside as a separate fund such proportion of the contributions paid by employers as in its judgment may be necessary, not to exceed 1 per centum thereof in any year, and so as to equalize, insofar as possible, the burden thereof, to be expended by such board in such manner as may be provided by law for the investigation and prevention of industrial accidents and diseases. Such board shall have full power and authority to hear and determine whether or not an injury, disease or death resulted because of the failure of the employer to comply with any specific requirement for the protection of the lives, health or safety of employes, enacted by the General Assembly or in the form of an order adopted by such board, and its decision shall be final; and for the purpose of such investigations and inquiries it may appoint referees. When it is found, upon hearing, that an injury, disease or death resulted because of such failure by the employer, such amount as shall be found to be just, not greater than 50 nor less than 15 per centum of the maximum award established by law, shall be added by the board, to the amount of the compensation that may be awarded on account of such injury, disease, or death, and paid in like manner as other awards; and, if such compensation is paid from the state fund, the premium of such employer shall be increased in such amount, covering such period of time as may be fixed, as will recoup the state fund in the amount of such additional award, notwithstanding any and all other provisions in this contribution. (Adopted November 6, 1923.)

Sec. 36. Laws may be passed to encourage forestry, and to that end areas devoted exclusively to forestry may be exempted, in whole or in part, from taxation. Laws may also be passed to provide for converting into forest reserves such lands or parts of lands as have been or may be forfeited to the state, and to authorize the acquiring of other lands for that purpose; also, to provide for the conservation of the natural resources of the state, including streams, lakes, submerged and swamp lands and the development and regulation of water power and the formation of drainage and conservation districts; and to provide for the regulation of methods of mining, weighing, measuring and marketing coal, oil, gas and all other minerals. (Adopted September 3, 1912.)

Sec. 37. Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the state, or any political subdivision thereof,

whether done by contract, or otherwise. (Adopted September 3, 1912.)

Sec. 38. Laws shall be passed providing for the prompt removal from office, upon complaint and hearing, of all officers, including state officers, judges and members of the General Assembly, for any misconduct involving moral turpitude or for other cause provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution. (Adopted September 3, 1912.)

Sec. 39. Laws may be passed for the regulation of the use of expert witnesses and expert testimony in criminal trials and proceedings. (Adopted September 3, 1912.)

Sec. 40. Laws may be passed providing for a system of registering, transferring, insuring and guaranteeing land titles by the state or by the counties thereof, and for settling and determining adverse or other claims to and interests in, lands the titles to which are so registered, insured or guaranteed, and for the creation and collection of guaranty funds by fees to be assessed against lands, the titles to which are registered; and judicial powers with right of appeal may by law be conferred upon county recorders or other officers in matters arising under the operation of such system. (Adopted September 3, 1912.)

Sec. 41. Laws shall be passed providing for the occupation and employment of prisoners sentenced to the several penal institutions and reformatories in the state; and no person in any such penal institution or reformatory while under sentence thereto, shall be required or allowed to work at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be sold. farmed out, contracted or given away; and goods made by persons under sentence to any penal institution or reformatory within the State of Ohio, and such goods made within the State of Ohio, excepting those disposed of to the state or any political subdivision thereof or to any public institution owned, managed or controlled by the state or any political subdivision thereof, shall not be sold within this state unless the same are conspicuously marked "prison made." Nothing herein contained shall be construed to prevent the passage of laws providing that convicts may work for, and that the products of their labors may be disposed of to, the state or any political subdivision thereof, or for or to any public institution owned or managed and controlled by the state or any political subdivision thereof. (Adopted September 3, 1912.)

ARTICLE III

Sec. 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places for voting for members of the General Assembly. (Adopted October 13, 1885.)

Sec. 2. The governor, lieutenant governor, secretary of state, treasurer, and attorney general shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

Sec. 3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the Senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes, for the same office, one of them shall be chosen by the joint vote of both Houses.

Sec. 4. Should there be no session of the General Assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

Sec. 5. The supreme executive power of this state shall be vested in the governor.

Sec. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 7. He shall communicate at every session, by message, to the General Assembly, the condition of the state, and recommend such measures as he shall deem expedient.

Sec. 8. The governor on extraordinary occasions may convene the General Assembly by proclamation and shall state in the proclamation the purpose for which such special session is called, and no other business shall be transacted at such special session except that named in the proclamation, or in any subsequent public proclamation or message to the General Assembly issued by the governor during said special session, but the General Assembly may provide for the expenses of the session and other matter incidental thereto. (Adopted September 3, 1912.)

Sec. 9. In case of a disagreement between the two Houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

Sec. 10. He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States.

Sec. 11. He shall have power, after conviction, to grant reprieves, commutations and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the General Assembly, at every regular session each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reason therefor.

Sec. 12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially; and shall be called "The Great Seal of the State of Ohio."

Sec. 13. All grants and commissions shall be issued in the name and by the authority of the State of Ohio; sealed with the great seal; signed by the governor, and countersigned by the secretary of state.

Sec. 14. No member of Congress, or other person holding office under the authority of this state, or of the United States, shall execute the office of the governor, except as herein provided.

Sec. 15. In case of the death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted or the disability removed, shall devolve upon the lieutenant governor.

Sec. 16. The lieutenant governor shall be president of the Senate, but shall vote only when the Senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the office of governor, the Senate shall choose a president pro tempore.

Sec. 17. If the lieutenant governor, while executing the office of governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president of

the Senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the House of Representatives.

Sec. 18. Should the office of auditor, treasurer, secretary, or attorney general become vacant, for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the full term fixed in the second section of this article.

Sec. 19. The officers mentioned in this article shall, at stated times receive for their services, a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

Sec. 20. The officers of the executive department, and of the public state institutions shall, at least five days preceding each regular session of the General Assembly, severally report to the governor, who shall transmit such reports, with his message, to the General Assembly.

ARTICLE IV

JUDICIAL

Sec. 1. The judicial power of the state is vested in a Supreme Court, Court of Appeals, Courts of Common Pleas, Courts of Probate, and such other courts inferior to the Courts of Appeals as may from time to time be established by law. (Adopted September 3, 1912.)

Sec. 2. The Supreme Court shall, until otherwise provided by law, consist of a chief justice and six judges, and the judges now in office in that court shall continue therein until the end of the terms for which they were respectively elected, unless they are removed, die or resign. A majority of the Supreme Court shall be necessary to constitute a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and precedendo, and appellate jurisdiction in all cases involving questions arising under the Constitution of the United States or of this state, in cases of felony on leave first obtained, and in cases which originated in the Courts of Appeals, and such revisory jurisdiction of the proceedings of administrative officers as may be conferred by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the Supreme Court shall be elected by the electors of the state at large for such term, not less than six years, as may be prescribed by law, and they shall be elected, and their official term shall begin, at such time as may now or hereafter be fixed by law. Whenever the judges of the Supreme Court shall be equally divided in opinion as to the merits of any case before them and are unable for that reason to agree upon a judgment, that fact shall be entered upon the record and such entry shall be held to constitute an affirmance of the judgment of the court below. No law shall be held unconstitutional and void by the Supreme Court without the concurrence of at least all but one of the judges, except in the affirmance of a judgment of the Court of Appeals declaring a law unconstitutional and void. In cases of public or great general interest the Supreme Court may, within such limitation of time as may be prescribed by law, direct any Court of Appeals to certify its record to the Supreme Court, and may review and affirm, modify or reverse the judgment of the Court of Appeals. All cases pending in the Supreme Court at the time of the adoption of this amendment by the people, shall proceed

to judgment in the manner provided by existing law. No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the Supreme Court. (Adopted September 3, 1912.)

Sec. 3. One resident judge of the Court of Common Pleas, and such additional resident judge or judges as may be provided by law, shall be elected in each county of the state by the electors of such county; and as many courts or sessions of the Court of Common Pleas as are necessary, may be held at the same time in any county. Any judge of the Court of Common Pleas may temporarily preside and hold court in any county; and until the General Assembly shall make adequate provisions therefor, the chief justice of the Supreme Court of the state shall pass upon the disqualification or disability of any judge of the Court of Common Pleas, and he may assign any judge to any county to hold court therein. (Adopted September 3, 1912.)

Sec. 4. The jurisdiction of the Courts of Common Pleas, and of the judges thereof, shall be fixed by law.

Sec. 5. [Repealed October 9, 1883; 80 v. 382.]

Sec. 6. The state shall be divided into appellate districts of compact territory bounded by county lines, in each of which shall be a Court of Appeals consisting of three judges, and until altered by law the circuits in which the Circuit Courts are now held shall constitute the appellate districts aforesaid. The judges of the Circuit Courts now residing in their respective districts shall be the judges of the respective Courts of Appeals in such districts and perform the duties thereof until the expiration of their respective terms of office. Vacancies caused by the expiration of the terms of office of the judges of the Courts of Appeals shall be filled by the electors of the respective appellate districts in which such vacancies shall arise. Until otherwise provided by law the term of office of such judges shall be six years. Laws may be passed to prescribe the time and mode of such election and to alter the number of districts or the boundaries thereof, but no such change shall abridge the term of any judge then in office. The Court of Appeals shall hold at least one term annually in each county in the district and such other terms at a county seat in the district as the judges may determine upon, and the county commissioners of any county in which the Court of Appeals shall hold sessions shall make proper and convenient provisions for the holding of such court by its judges and officers. Each judge shall be competent to exercise judicial powers in any appellate district of the state. The Courts of Appeals shall continue the work of the respective Circuit Courts and all pending cases and proceedings in the Circuit Courts shall proceed to judgment and be determined by the respective Courts of Appeals, and the Supreme Court, as now provided by law, and cases brought into said Courts of Appeals, after the taking effect hereof shall be subject to the provisions hereof, and the Circuit Courts shall be merged into, and their work continued by, the Courts of Appeals. The Courts of Appeals shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and precedendo, and appellate jurisdiction in the trial of chancery cases, and, to review, affirm, modify, or reverse the judgments of the Court of Common Pleas, Superior Court and other courts of record within the district as may be provided by law, and judgments of the Courts of Appeals shall be final in all cases, except cases involving questions arising under the Constitution of the United States or of this state, cases of felony, cases of which it has original jurisdiction, and cases of public or great general interest in which the Supreme Court may direct any Court of Appeals to certify its record to that court. No judgment of a Court of Common Pleas, a Superior Court or other court of record shall be reversed except by the concurrence of all the judges of the Court of Appeals on the weight of the evidence, and by a majority of such Court of Appeals upon other questions; and whenever the judges of a Court of Appeals find that a judgment upon which they

have agreed is in conflict with a judgment pronounced upon the same question by any other Court of Appeals of the state, the judges shall certify the record of the case to the Supreme Court for review and final determination. The decisions in all cases in the Supreme Court shall be reported, together with the reasons therefor, and laws may be passed providing for the reporting of cases in the Courts of Appeals. The chief justice of the Supreme Court of the state shall determine the disability or disqualification of any judge of the Courts of Appeals and he may assign any judge of the Courts of Appeals to any county to hold court. (Adopted September 3, 1912.)

Sec. 7. There shall be established in each county, a Probate Court, which shall be a court of record, open at all times, and holden by one judge, elected by the electors of the county, who shall hold his office for the term of four years, and shall receive such compensation, payable out of the county treasury, as shall be provided by law. Whenever 10 per centum of the number of the electors voting for governor at the next preceding election in any county having less than 60,000 population as determined by the next preceding Federal census, shall petition the judge of the Court of Common Pleas of any such county not less than ninety days before any general election for county officers, the judge of the Court of Common Pleas shall submit to the electors of such county the question of combining the Probate Court with the Court of Common Pleas, and such courts shall be combined and shall be known as the Court of Common Pleas in case a majority of the electors voting upon such question vote in favor of such combination. Notice of such election shall be given in the same manner as for the election of county officers. Elections may be had in the same manner for the separation of such courts, when once combined. (Adopted September 3, 1912.)

Sec. 8. The Probate Court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators, and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators, and guardians, and such other jurisdictions, in any county or counties, as may be provided by law.

Sec. 9. [Repealed September 3, 1912.]

Sec. 10. All judges, other than those provided for in this constitution, shall be elected, by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

Sec. 11. [Repealed October 9, 1883; 80 v. 382.]

Sec. 12. The judges of the Courts of Common Pleas shall, while in office, reside in the county for which they are elected; and their term of office shall be for six years. (Adopted September 3, 1912.)

Sec. 13. In case the office of any judge shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Sec. 14. The judges of the Supreme Court, and of the Court of Common Pleas, shall at stated times, receive, for their services, such compensation as may be provided by law; which shall not be diminished, or increased during their term of office; but they shall receive no fees or perquisites, nor hold any office of profit or trust, under the authority of this state, or of the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this state, given by the General Assembly, or the people, shall be void.

Sec. 15. Laws may be passed to increase or diminish the number of judges of the Supreme Court, to increase beyond one, or diminish to one the number of judges of the Court of Common Pleas in any county, and to establish other courts, whenever two-thirds of the members elected to

each House shall concur therein; but no such change, addition or diminution shall vacate the office of any judge; and any existing court heretofore created by law shall continue in existence until otherwise provided. (Adopted September 3, 1912.)

Sec. 16. There shall be elected in each county, by the electors thereof one clerk of the Court of Common Pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but, the General Assembly may provide, by law, for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the Probate Court to perform the duties of clerk for his court, under such regulations as may be directed by law. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.

Sec. 17. Judges may be removed from office, by concurrent resolutions of both Houses of the General Assembly, if two-thirds of the members, elected to each House, concur therein; but no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.

Sec. 18. The several judges of the Supreme Court, of the Common Pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

Sec. 19. The General Assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment in any case, except upon submission, by the parties, of the matter in dispute, and their agreement to abide such judgment.

Sec. 20. The style of all process shall be "The State of Ohio"; all prosecutions shall be carried on, in the name, and by the authority, of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

Sec. 22. (21) A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the Senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the Supreme Court, as shall by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered, and enforced as the judgment of the Supreme Court, and at the expiration of the term of said commission, all business undisposed of, shall by it be certified to the Supreme Court and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission, shall be filled by appointment of the governor, with the advice and consent of the Senate, if the Senate be in session, and if the Senate be not in session, by the governor, but in such last case, such appointment shall expire at the end of the next session of the General Assembly. The General Assembly may, on application of the Supreme Court duly entered on the journal of the court and certified, provided by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment, in like manner, of a like commission with like powers, jurisdiction and duties; provided, that the

term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years. [Adopted October 12, 1875.]

ARTICLE V

Elective Franchise

Sec. 1. Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections. (Adopted November 6, 1923.)

Sec. 2. All elections shall be by ballot.

Sec. 3. Electors, during their attendance at elections, and in going to, and returning therefrom, shall be privileged from arrest, in all cases, except treason, felony, and breach of the peace.

Sec. 4. The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

Sec. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military, or naval station, within the state, be considered a resident of this state.

Sec. 6. No idiot, or insane person, shall be entitled to the privileges of an elector.

Sec. 7. All nominations for elective state, district, county and municipal offices shall be made at direct primary elections or by a petition as provided by law, and provision shall be made by law for a preferential vote for United States senator; but direct primaries shall not be held for the nomination of township officers or for the officers of municipalities of less than 2,000 population, unless petitioned for by a majority of the electors of such township or municipality. All delegates from this state to the national convention of political parties shall be chosen by direct vote of the electors. Each candidate for such delegate shall state his first and second choices for the presidency, which preferences shall be printed upon the primary ballot below the name of such candidate, but the name of no candidate for the presidency shall be so used without his written authority. (Adopted September 3, 1912.)

ARTICLE VI

Education

Sec. 1. The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or entrusted to this state for educational and religious purposes, shall forever be preserved inviolate, and undiminished; and, the income arising therefrom, shall be faithfully applied to the specific objects of the original grants, or appropriations.

Sec. 2. The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.

Sec. 3. Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds; provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts. (Adopted September 3, 1912.)

Sec. 4. A superintendent of public instruction to replace the state

commissioner of common schools, shall be included as one of the officers of the executive department to be appointed by the governor, for the term of four years, with the powers and duties now exercised by the state commissioner of common schools until otherwise provided by law, and with such other powers as may be provided by law. (Adopted September 3, 1912.)

ARTICLE VII

Public Institutions

Sec. 1. Institutions for the benefit of the insane, blind and deaf and dumb, shall always be fostered and supported by the state; and be subjected to such regulations as may be prescribed by the General Assembly.

Sec. 2. The directors of the penitentiary shall be appointed or elected in such manner as the General Assembly may direct; and the trustees of the benevolent, and other state institutions, now elected by the General Assembly, and of such other state institutions, as may be hereafter created, shall be appointed by the governor by and with the advice and consent of the Senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays, and entered upon the journals of the Senate.

Sec. 3. The governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the General Assembly, and, until a successor to his appointee shall be confirmed and qualified.

ARTICLE VIII

Public Debt and Public Works

Sec. 1. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed $750,000; and the money, arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts contracted, and to no other purpose whatever.

Sec. 2. In addition to the above limited power, the state may contract debts to repel invasion, suppress insurrection, defend the state in war, or to redeem the present outstanding indebtedness of the state; but the money, arising from the contracting of such debts, shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts, incurred to redeem the present outstanding indebtedness of the state, shall be so contracted as to be payable by the sinking fund, hereinafter provided for, as the same shall accumulate.

Sec. 2a. "The Commissioners of the Sinking Fund," created in this article, shall forthwith, upon the adoption of this amendment proceed to issue and sell from time to time, under such regulations as they may by order promulgate for not less than par and accrued interest, not to exceed the total sum of twenty-five millions ($25,000,000) of dollars of the bonds of the State of Ohio, bearing interest at not to exceed five and one-half per cent per annum, payable semi-annually and maturing in twenty equal semi-annual installments, commencing not later than the first day of April, 1923. Such bonds and the interest thereon as income shall be exempt from all taxes levied by the State of Ohio or any taxing district thereof. The proceeds of the sale of said bonds shall be paid into the treasury of the State of Ohio, subject to be paid out, without appropriation by the General Assembly upon the order of the said "The

Commissioners of the Sinking Fund," the same to be known as "The World War Compensation Fund." The said "The Commissioners of the Sinking Fund" shall by their certificate filed with the auditor of the state, add to the state levy for taxation, in the year 1922 and thereafter during the life of such bonds, in addition to all other taxes now or hereafter provided by law, such amounts annually as shall be necessary, as a tax levy for the retirement of said bonds, and the payment of the interest thereon; and said levy may also provide for the payment of the expenses of administration hereof. Such levy shall not be considered in applying any limitation on aggregate tax rates now or hereafter provided by law. Said taxes when received shall be paid into a fund in the treasury of the State of Ohio to be paid out without appropriation by the General Assembly upon the order of the said "The Commissioners of the Sinking Fund" for the purpose of the payment, or retirement in other manner, of the said bonds, interest thereon, and expenses of administration hereof. As soon as may be, the said, "The Commissioners of the Sinking Fund" shall, under such regulations as they may from time to time promulgate, pay out of said fund to persons resident in Ohio at the time of the commencement of service who served honorably on active service in the army, navy, or marine corps of the United States of America, or being also citizens of the United States, in similar forces of any of the governments associated with the United States in the World war, with the rank or grade of not higher than captain in the army or marine corps, or corresponding grade in the navy, between the dates of April 6, 1917, and November 11, 1918, or their heirs at law, adjusted compensation for their full period of active service to the date of separation therefrom, at the rate of ten ($10) dollars per month, but not to exceed two hundred and fifty ($250) dollars. No payment shall be made to any such person, who refused on conscientious, political or other grounds to subject himself to military discipline or to render unqualified service, or who, while in such service, was separated therefrom under circumstances amounting to a dishonorable discharge. The said "The Commissioners of the Sinking Fund" by order shall make regulations; providing for the assignment and payment of the whole or part of any such payment to a fund to be retained by the said "The Commissioners of the Sinking Fund," for the purpose of erecting and maintaining, under such laws as shall be enacted for that purpose, hospitals for the relief of veterans of the World war; providing against any other sale or assignment or fees charged for the collection of said amounts; providing against the enforcement of the claims of creditors as against such payments; imposing penalties for violations of such regulations; fixing from time to time limitations for the presentation of claims for said payments; providing for the contracting and paying of the necessary expenses of administration hereof and such other regulations as are deemed necessary and proper for the administration and payment of said fund. The full faith and credit of the State of Ohio is hereby pledged for the payment of said bonds. The people of the State of Ohio hereby declare that they have enacted this special amendment to meet the specific emergency covered thereby and they declare it to be their intention to in no manner affect or change any of the existing provisions of this constitution except as herein set forth. The provisions of this section shall be self-executing. Upon the retirement of all of the said bonds and payment of all claims presented within the limitations of time as prescribed as aforesaid the said "The Commissioners of the Sinking Fund" shall render a final report to the General Assembly and any balance remaining in the said funds shall be disposed of as shall be provided by law. (Adopted November 8, 1921.)

Sec. 3. Except the debts above specified in section one and two of this article, no debt whatever shall hereafter be created by or on behalf of the state.

Sec. 4. The credit of the state shall not, in any manner be given or loaned to, or in aid of, any individual association or corporation whatever; nor shall the state ever hereafter become a joint owner, or stockholder, in any company or association in this state, or elsewhere, formed for any purpose whatever.

Sec. 5. The state shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debts shall have been created to repel invasion, suppress insurrection, or defend the state in war.

Sec. 6. No laws shall be passed authorizing any county, city, town or township, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or to loan its credit to, or in aid of, any such company, corporation or association; provided, that nothing in this section shall prevent the insuring of public buildings or property in mutual insurance associations or companies. Laws may be passed providing for the regulation of all rates charged or to be charged by any insurance company, corporation or association organized under the laws of this state or doing any insurance business in this state for profit. (Adopted September 3, 1912.)

Sec. 7. The faith of the state being pledged for the payment of its public debt, in order to provide therefor, there shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and, annually, to reduce the principal thereof, by a sum not less than $100,000, increased yearly, and each and every year, by compounding, at the rate of six per cent per annum. The said sinking fund shall consist, of the net annual income of the public works and stocks owned by the state, or of any other funds or resources that are, or may be, provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

Sec. 8. The auditor of state, secretary of state, and attorney-general, are hereby created a board of commissioners, to be styled, "The Commissioners of the Sinking Fund."

Sec. 9. The commissioners of the sinking fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same with his regular message, to the General Assembly; and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

Sec. 10. It shall be the duty of the said commissioners faithfully to apply said fund, together with all moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only, the school and trust funds held by the state.

Sec. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately, cause the same to be published, and shall also communicate the same to the General Assembly, forthwith, if it be in session, and if not, then at its first session after such rpeort shall be made.

Sec. 12. So long as this state shall have public works which require superintendence, a superintendent of public works shall be appointed by the governor for the term of one year, with the powers and duties now exercised by the board of public works until otherwise provided by law, and with such other powers as may be provided by law. (Adopted September 3, 1912.)

Sec. 13. (Repealed September 3, 1912.)

ARTICLE IX

Militia

Sec. 1. All white male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the constitution and laws of the United States, as may be prescribed by law.

Sec. 2. Majors general, brigadiers general, colonels, lieutenant colonels, majors, captains, and subalterns, shall be elected by the persons subject to military duty, in their respective districts.

Sec. 3. The governor shall appoint the adjutant general, quartermaster general, and such other staff officers, as may be provided for by law. Majors general, brigadiers general, colonels, or commandants of regiments, battalions, or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians.

Sec. 4. The governor shall commission all officers of the line and staff, ranking as such; and shall have power to call forth the militia, to execute the laws of the state, to suppress insurrection, and repel invasion.

Sec. 5. The General Assembly shall provide, by law, for the protection and safekeeping of the public arms.

ARTICLE X

County and Township Organizations

Sec. 1. The General Assembly shall provide, by law, for the election of such county and township officers as may be necessary.

Sec. 2. County officers shall be elected on the first Tuesday after the first Monday in November, by the electors of each county in such manner, and for such term, not exceeding three years, as may be provided by law. [Adopted October 13, 1885.]

Sec. 3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years, in any period of six years.

Sec. 4. Township officers shall be elected by the electors of each township, at such time, in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified. [Adopted October 13, 1885.]

Sec. 5. No money shall be drawn from any county or township treasury, except by authority of law.

Sec. 6. Justices of the peace, and county and township officers, may be removed, in such manner and for such cause, as shall be prescribed by law.

Sec. 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation, for police purposes, as may be prescribed by law.

ARTICLE XI

Apportionment

Sec. 1. The apportionment of this state for members of the General Assembly shall be made every ten years, after the year 1851, in the following manner: The whole population of the state, as ascertained by the Federal census, or in such other mode as the General Assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the house of representatives, for ten years next preceding such apportionment.

Sec. 2. Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ratio, shall be entitled to three

representatives; and so on, requiring after the first two, an entire ratio for each additional representative. Provided, however, that each county shall have one representative. [Adopted November 3, 1903.]

Sec. 3. When any county shall have a fraction above the ratio, so large, that being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second and first sessions, respectively; if four, to the fourth, third, second, and first sessions respectively.

Sec. 4. Any county, forming with another county or counties, a representative district, during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a representative; but no change shall be made, except at the regular decennial period for the apportionment of representatives.

Sec. 5. If, in fixing any subsequent ratio, a county, previously entitled to separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it, having the least number of inhabitants, and the representation of the district, so formed, shall be determined as herein provided.

Sec. 6. The ratio for a senator shall forever, hereafter, be ascertained by dividing the whole population of the state by the number thirty-five.

Sec. 7. The state is hereby divided into thirty-three senatorial districts as follows: The County of Hamilton shall constitute the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton, and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto, and Jackson, the seventh; Lawrence, Gallia, Meigs, and Vinton, the eighth; Athens, Hocking and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign, and Madison, the eleventh; Miami, Darke, and Shelby, the twelfth; Logan, Union, Marion, and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, and Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance, and Williams, the thirty-second, and Hancock, Wood, Lucas, Fulton, Henry, and Putnam the thirty-third. For the first decennial period, after the adoption of this constitution, each of said districts shall be entitled to one senator, except the first district, which shall be entitled to three senators.

Sec. 8. The same rule shall be applied, in apportioning the fractions of senatorial districts, and in annexing districts, which may hereafter have less than three-fourths of a senatorial ratio, as are applied to representative districts.

Sec. 9. Any county forming part of a senatorial district, having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district, at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

Sec. 10. For the first ten years, after the year 1851, the apportionment of representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation, as herein established, or, in the senatorial districts, except as above provided. All territory, belonging to a county at the time of any apportionment, shall, as to the right of representation and suffrage, remain an integral part thereof, during the decennial period.

Sec. 11. The governor, auditor, and secretary of state, or any two of them, shall at least six months prior to the October election, in the year 1861, and, at each decennial period, thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years, within the next ensuing ten years, and the governor shall cause the same to be published, in such manner as shall be directed by law.

Judicial Appointment

Sec. 12. For judicial purposes, the state shall be apportioned as follows:

The County of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein, may hold separate courts or separate sittings of the same court, at the same time.

The counties of Butler, Preble and Darke shall constitute the first subdivision; Montgomery, Miami and Champaign, the second; and Warren, Clinton, Greene, and Clark, the third subdivision, of the second district; and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union, and Marion, shall constitute the first subdivision; Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry, and Fulton, the second; and Wood, Seneca, Hancock, Wyandot, and Crawford, the third subdivision of the third district; and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie and Huron, shall constitute the first subdivision; Lorain, Medina, and Summit, the second; and the County of Cuyahoga, the third subdivision, of the fourth district; and together, shall form such district.

The counties of Clermont, Brown, and Adams, shall constitute the first subdivision; Highland, Ross, and Fayette, the second; and Pickaway, Franklin, and Madison, the third subdivision, of the fifth district; and, together, shall form such district.

The counties of Licking, Knox, and Delaware, shall constitute the first subdivision; Morrow, Richland, and Ashland, the second; and Wayne, Holmes, and Coshocton, the third subdivision, of the sixth district; and together, shall form such district.

The counties of Fairfield, Perry, and Hocking shall constitute the first subdivision; Jackson, Vinton, Pike, Scioto, and Lawrence, the second; and Gallia, Meigs, Athens, and Washington, the third subdivision of the seventh district; and, together shall form such district.

The counties of Muskingum, and Morgan, shall constitute the first subdivision; Guernsey, Belmont, and Monroe, the second; and Jefferson, Harrison, and Tuscarawas, the third subdivision, of the eighth district; and, together, shall form such district.

The counties of Stark, Carroll, and Columbiana, shall constitute the first subdivision; Trumbull, Portage, and Mahoning, the second; and Geauga, Lake, and Ashtabula, the third subdivision, of the ninth district; and, together, shall form such district.

Sec. 13. The General Assembly shall attach any new counties, that may hereafter be erected, to such districts, or subdivisions thereof, as shall be most convenient.

ARTICLE XII

Finance and Taxation

Sec. 1. No poll tax shall ever be levied in this state, or service required, which may be commuted in money or other thing of value. (Adopted September 3, 1912.)

Sec. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property according to its true value in money, excepting all bonds outstanding on the first day of January, 1913, of the State of Ohio or of any city, village, hamlet, county, or township in this state or which have been issued in behalf of the public schools in Ohio and by the means of instruction in connection therewith, which bonds outstanding on the first day of January, 1913, shall be exempt from taxation but burying grounds, public school houses, houses used exclusively for public worship; institutions used exclusively for charitable purposes, public property used exclusively for any public purpose, and personal property, to an amount not exceeding in value $500, for each individual, may, by general laws, be exempted from taxation; and laws may be passed to provide against the double taxation that results from the taxation of both the real estate and the mortgage or the debt secured thereby, or other lien upon it, but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law. (Adopted November 5, 1918.)

Sec. 3. The General Assembly shall provide, by law, for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues, of every description, (without deduction), of all banks now existing, or hereafter created, and of all bankers, so that all property employed in banking, shall always bear a burden of taxation, equal to that imposed on the property of individuals.

Sec. 4. The General Assembly shall provide for raising revenue, sufficient to defray the expenses of the state, for each year, and also a sufficient sum to pay the interest on the state debt.

Sec. 5. No tax shall be levied, except in pursuance of law; and every law imposing a tax, shall state, distinctly, the object of the same, to which only, it shall be applied.

Sec. 6. Except as otherwise provided in this constitution the state shall never contract any debt for purposes of internal improvement. (Adopted September 3, 1912.)

Sec. 7. Laws may be passed providing for the taxation of the right to receive, or to succeed to, estates, and such taxation may be uniform or it may be so graduated as to tax at a higher rate the right to receive, or to succeed to, estates of larger value than to estates of smaller value. Such tax may also be levied at different rates upon collateral and direct inheritances, and a portion of each estate not exceeding $20,000 may be exempt from such taxation. (Adopted September 3, 1912.)

Sec. 8. Laws may be passed providing for the taxation of incomes, and such taxation may be either uniform or graduated, and may be applied to such incomes as may be designated by law; but a part of each annual income not exceeding $3,000 may be exempt from such taxation. (Adopted September 3, 1912.)

Sec. 9. Not less than fifty per centum of the income and inheritance taxes that may be collected by the state shall be returned to the city, village or township in which said income and inheritance tax originate. (Adopted September 3, 1912.)

Sec. 10. Laws may be passed providing for excise and franchise taxes and for the imposition of taxes upon the production of coal, oil, gas and other minerals. (Adopted September 3, 1912.)

Sec. 11. No bonded indebtedness of the state, or any political subdivisions thereof, shall be incurred or renewed, unless, in the legislation

under which such indebtedness is incurred or renewed, provision is made for levying and collecting annually by taxation an amount sufficient to pay the interest on said bonds, and to provide a sinking fund for their final redemption at maturity. (Adopted September 3, 1912.)

ARTICLE XIII

Corporations

Sec. 1. The General Assembly shall pass no special act conferring corporate powers.

Sec. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Corporations may be classified and there may be conferred upon proper boards, commissions or officers, such supervisory and regulatory powers over their organization, business and issue and sale of stocks and securities, and over the business and sale of the stocks and securities of foreign corporations and joint stock companies in this state, as may be prescribed by law. Laws may be passed regulating the sale and conveyance of other personal property, whether owned by a corporation, joint stock company or individual. (Adopted September 3, 1912.)

Sec. 3. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her; except that stockholders of corporations authorized to receive money on deposit shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporations, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. No corporation not organized under the laws of this state, or of the United States, or person, partnership or association shall use the word "bank," "banker" or "banking," or words of similar meaning in any foreign language, as a designation or name under which business may be conducted in this state unless such corporation, person, partnership or association shall submit to inspection, examination and regulation as may hereafter be provided by the laws of this state. (Adopted September 3, 1912.)

Sec. 4. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

Sec. 5. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

Sec. 6. The General Assembly shall provide for the organization of cities, and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.

Sec. 7. No act of the General Assembly, authorizing associations with banking powers, shall take effect until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors, voting at such election.

ARTICLE XIV

Jurisprudence

Sec. 1. The General Assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

Sec. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for the administration of justice by a uniform mode of proceeding without reference to any distinction between law and equity.

Sec. 3. The proceedings of the commissioners shall, from time to time, be reported to the General Assembly, and be subject to the action of that body.

ARTICLE XV

Miscellaneous

Sec. 1. Columbus shall be the seat of government, until otherwise directed by law.

Sec. 2. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the executive and other departments of state, shall be let, on contract, to the lowest responsible bidder, or done directly by the state in such manner as shall be prescribed by law. All stationery and supplies shall be purchased as may be provided by law. (Adopted September 3, 1912.)

Sec. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

Sec. 4. No person shall be elected or appointed to any office in this state unless possessed of the qualifications of an elector; provided that women who are citizens may be appointed as members of boards of, or to positions in, those departments and institutions established by the state or any political subdivision thereof involving the interests or care of women or children or both. (Adopted November 4, 1913.)

Sec. 5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry, a challenge therefor, shall hold any office in this state.

Sec. 6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this state.

Sec. 7. Every person chosen or appointed to any office under this state, before entering upon the discharge of its duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this state, and also an oath of office.

Sec. 8. There may be established, in the secretary of state's office, a bureau of statistics, under such regulations as may be prescribed by law.

Sec. 9. The sale and manufacture for sale of intoxicating liquors as a beverage are hereby prohibited. The General Assembly shall enact laws to make this provision effective. Nothing herein contained shall prevent the manufacture or sale of such liquors for medicinal, industrial, scientific, sacramental, or other non-beverage purposes. (Adopted November 5, 1918.)

Sec. 10. Appointments and promotions in the civil service of the state, the several counties and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision. (Adopted September 3, 1912.)

ARTICLE XVI

Amendments

Sec. 1. Either branch of the General Assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each House, such proposed amendments

shall be entered on the journals, with the yeas and nays, and shall be submitted to the electors, for their approval or rejection, on a separate ballot without party designation of any kind, at either a special or a general election as the General Assembly may prescribe. Such proposed amendments shall be published once a week for five consecutive weeks preceding such election, in at least one newspaper in each county of the state, where a newspaper is published. If the majority of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately. (Adopted September 3, 1912.)

Sec. 2. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a convention, to revise, amend, or change this constitution, they shall recommend to the electors to vote on a separate ballot without party designation of any kind at the next election for members to the General Assembly, for or against a convention; and if a majority of all the electors, voting for and against the calling of a convention, shall have voted for a convention the General Assembly shall, at their next session, provide, by law, for calling the same. Candidates for members of the constitutional convention shall be nominated by nominating petitions only and shall be voted for upon one independent and separate ballot without any emblem or party designation whatever. The convention shall consist of as many members as the House of Representatives, who shall be chosen as provided by law, and shall meet within three months after their election, for the purpose, aforesaid. (Adopted September 3, 1912.)

Sec. 3. At the general election to be held in the year 1932, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the constitution," shall be submitted to the electors of the state; and in case a majority of the electors, voting for and against the calling of a convention, shall decide in favor of a convention, the General Assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon. (Adopted September 3, 1912.)

ARTICLE XVII

Elections

Sec. 1. Elections for state and county officers shall be held on the first Tuesday after the first Monday in November in the even numbered years; and all elections for all other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years. (Adopted November 7, 1905.)

Sec. 2. The term of office of the governor, lieutenant governor, attorney-general, secretary of state and treasurer of state shall be two years, and that of the auditor of state shall be four years. The term of office of the judges of the Supreme Court and Circuit Courts shall be such even number of years not less than six (6) years as may be prescribed by the General Assembly; that of the judges of the Common Pleas Court, six (6) years, and of the judges of the Probate Court, four (4) years, and that of other judges shall be such even number of years, not exceeding six (6) years as may be prescribed by the General Assembly. The term of office of justices of the peace shall be such even numbers of years not exceeding four (4) years as may be prescribed by the General Assembly. The term of office of the members of the board of public

works shall be such even number of years not exceeding six (6) years as may be so prescribed; and the term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.

And the General Assembly shall have power to so extend existing terms of office as to effect the purpose of section 1 of this article.

Any vacancy which shall occur in any elective state office other than that of a member of the General Assembly or of governor, shall be filled by appointment by the governor until the disability is removed or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election for the office which is vacant, that occurs more than thirty (30) days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law. (Adopted November 7, 1905.)

Sec. 3. Every elective officer holding office when this amendment is adopted shall continue to hold such office for the full term for which he was elected and until his successor shall be elected and qualified, as provided by law. (As adopted November 7, 1905.)

ARTICLE XVIII

Municipal Corporations

Sec. 1. Municipal corporations are hereby classified into cities and villages. All such corporations having a population of 5,000 or over shall be cities; all others shall be villages. The method of transition from one class to the other shall be regulated by law. (Adopted September 3, 1912.)

Sec. 2. General laws shall be passed to provide for the incorporation and government of cities and villages; and additional laws may also be passed for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of those voting thereon, under regulations to be established by law. (Adopted September 3, 1912.)

Sec. 3. Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws. (Adopted September 3, 1912.)

Sec. 4. Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the products or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service. The acquisition of any such public utility may be by condemnation or otherwise, and a municipality may acquire thereby the use of, or full title to, the property and franchise of any company or person supplying to the municipality or its inhabitants the service or product of any such utility. (Adopted September 3, 1912.)

Sec. 5. Any municipality proceeding to acquire, construct, own, lease or operate a public utility, or to contract with any person or company therefor, shall act by ordinance and no such ordinance shall take effect until after thirty days from its passage. If within said thirty days a petition signed by ten percentum of the electors of the municipality shall be filed with the executive authority thereof demanding a referendum on such ordinance it shall not take effect until submitted to the electors and approved by a majority of those voting thereon. The submission of any such question shall be governed by all the provisions of section 8 of this article as to the submission of the question of choosing a charter commission. (Adopted September 3, 1912.)

Sec. 6. Any municipality, owning or operating a public utility for the purpose of supplying the service or product thereof to the municipality or its inhabitants, may also sell and deliver to others any transportation service of such utility and the surplus product of any other utility in an amount not exceeding in either case fifty per centum of the total service or product supplied by such utility within the municipality. (Adopted September 3, 1912.)

Sec. 7. Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government. (Adopted September 3, 1912.)

Sec. 8. The legislative authority of any city or village may by a two-thirds vote of its members, and upon petition of ten per centum of the electors shall forthwith, provide by ordinance for the submission to the electors, of the question, "Shall a commission be chosen to frame a charter." The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty days nor more than 120 days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a commission to frame a charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the charter commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the municipality in so far as not prescribed by general law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed charter to each elector whose name appears upon the poll or registration books of the last regular or general election held therein. If such proposed charter is approved by a majority of the electors voting thereon it shall become the charter of such municipality at the time fixed therein. (Adopted September 3, 1912.)

Sec. 9. Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and, upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors shall be governed by the requirements of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments shall be mailed to the electors as hereinbefore provided for copies of a proposed charter. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote. (Adopted September 3, 1912.)

Sec. 10. A municipality appropriating or otherwise acquiring property for public use may in furtherance of such public use appropriate or acquire an excess over that actually to be occupied by the improvement, and may sell such excess with such restrictions as shall be appropriate to preserve the improvement made. Bonds may be issued to supply the funds in whole or in part to pay for the excess property so appropriated or otherwise acquired, but said bonds shall be a lien only against the property so acquired for the improvement and excess, and they shall not be a liability of the municipality nor be included in any limitation of the bonded indebtedness of such municipality prescribed by law. (Adopted September 3, 1912.)

Sec. 11. Any municipality appropriating private property for a public improvement may provide money therefor in part by assessments upon benefited property not in excess of the special benefits conferred upon such property by the improvements. Said assessments, however, upon all the abutting, adjacent, and other property in the district benefited shall in no case be levied for more than fifty per centum of the cost of such appropriation. (Adopted September 3, 1912.)

Sec. 12. Any municipality which acquires, constructs or extends any public utility and desires to raise money for such purposes may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law; provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such municipality but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. (Adopted September 3, 1912.)

Sec. 13. Laws may be passed to limit the power of municipalities to levy taxes and incur debts for local purposes, and may require reports from municipalities as to their financial condition and transactions, in such form as may be provided by law, and may provide for the examination of the vouchers, books, and accounts of all municipal authorities, or of public undertakings conducted by such authorities. (Adopted September 3, 1912.)

Sec. 14. All elections and submissions of questions provided for in this article shall be conducted by the election authorities prescribed by general law. The percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election. (Adopted September 3, 1912.)

Schedule to Constitution of 1851

Sec. 1. All laws of this state, in force on the first day of September, 1851, not inconsistent with this constitution, shall continue in force, until amended, or repealed.

Sec. 2. The first election for members of the General Assembly under this constitution, shall be held on the second Tuesday of October, 1851.

Sec. 3. The first election for governor, lieutenant governor, auditor, treasurer, and secretary of state and attorney-general, shall be held on the second Tuesday of October, 1851. The persons, holding said offices on the first day of September, 1851, shall continue therein, until the second Monday of January, 1852.

Sec. 4. The first election for judges of the Supreme Court, Courts of Common Pleas, and Probate Courts, and clerks of the Court of Common Pleas, shall be held on the second Tuesday of October, 1851, and the official term of said judges and clerks, so elected, shall commence on the second Monday of February, 1852. Judges and clerks of the Courts of Common Pleas and the Supreme Court, in office on the first day of September, 1851, shall continue in office with their present powers and duties, until the second Monday of February, 1852. No suit or proceeding pending in any of the courts of this state, shall be affected by the adoption of this constitution.

Sec. 5. The register and receiver of the land office, directors of the penitentiary, directors of the benevolent institutions of the state, the state librarian, in office on the first day of September, 1851, shall continue in office until their terms expire, respectively, unless the General Assembly shall otherwise provide.

Sec. 6. The Superior and Commercial courts of Cincinnati, and the Superior Court of Cleveland, shall remain, until otherwise provided by

law, with their present powers and jurisdiction; and the judges and clerks of said courts, in office on the first day of September, 1851, shall continue in office, until the expiration of their terms of office, respectively, or, until otherwise provided by law; but neither of said courts shall continue after the second Monday in February, 1853; and no suits shall be commenced in said two first mentioned courts, after the second Monday in February, 1852; nor in said last mentioned court, after the second Monday in August, 1852; and all business in either of said courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the Court of Common Pleas.

Sec. 7. All county and township officers and justices of the peace, in office on the first day of September, 1851, shall continue in office until their terms expire, respectively.

Sec. 8. Vacancies in office, occurring after the first day of September, 1851, shall be filled, as is now prescribed by law, and until officers are elected or appointed, and qualified, under this constitution.

Sec. 9. This constitution shall take effect on the first day of September, 1851.

Sec. 10. All officers shall continue in office, until their successors shall be chosen and qualified.

Sec. 11. Suits pending in the Supreme Court in banc, shall be transferred to the Supreme Court provided for in this constitution, and be proceeded in according to law.

Sec. 12. The District courts shall, in their respective counties be the successors of the present Supreme Court; and all suits, prosecutions, judgments, records, and proceedings, pending and remaining in said Supreme Court, in the several counties of any district, shall be transferred to the respective district courts of such counties, and be proceeded in, as though no change had been made in said Supreme Court.

Sec. 13. The said Courts of Common Pleas, shall be the successors of the present Courts of Common Pleas in the several counties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records and judgments, pending or being in said last mentioned courts, except as aforesaid, shall be transferred to the Courts of Common Pleas created by this constitution, and, proceeded in, as though the same had been therein instituted.

Sec. 14. The Probate Courts provided for in this constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present Courts of Common Pleas; and the records, files and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said Courts of Probate, and be there proceeded in, according to law.

Sec. 15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll-books returned as is provided for governor, and the abstracts therefrom, certified to the secretary of state, shall be by him opened, in the presence of the governor, who shall declare the result, and issue commissions to the persons elected.

Sec. 16. Where two or more counties are joined in a senatorial, representative, or judicial district, the returns of election shall be sent to the county having the largest population.

Sec. 17. The foregoing constitution shall be submitted to the electors of the state, at an election to be held on the third Tuesday of June, 1851, in the several election districts of this state. The ballots at such election shall be written or printed as follows: Those in favor of the constitution, "New constitution, Yes;" those against the constitution, "New Constitution, No." The polls at said election shall be opened between the hours of 8 and 10 o'clock A. M., and closed at 6 o'clock P. M.; and the said election shall be conducted, and the returns thereof made and certified, to the secretary of state, as provided by law for annual elections of state and county officers. Within twenty days after such election, the secretary of state shall open the returns thereof, in the

presence of the governor; and, if it shall appear that a majority of all the votes, cast at such election, are in favor of the constitution, the governor shall issue his proclamation, stating the fact, and said constitution shall be the constitution of the State of Ohio, and not otherwise.

Sec. 18. At the time when the votes of the electors shall be taken for the adoption or rejection of this constitution, the additional section, in the words following, to-wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to-wit: A separate ballot may be given by every elector and deposited in a separate box. Upon the ballots given for said separate amendment shall be written or printed, or partly written and partly printed the words: "License to sell intoxicating liquors, Yes;" and upon the ballots given against said amendment, in like manner, the words: "License to sell intoxicating liquors, No." If, at the said election, a majority of all the votes given for and against said amendment, shall contain the words: "License to sell intoxicating liquors, No," then the said amendment shall be a separate section of article fifteen of the constitution.

Sec. 19. The apportionment for the House of Representatives, during the first decennial period under this constitution, shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champaign, Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby and Union, shall, severally, be entitled to one representative, in each session of the decennial period.

The counties of Franklin, Licking, Montgomery, and Stark, shall each be entitled to two representatives, in each session of the decennial period.

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit, and Warren, shall, severally, be entitled to one representative, in each session and one additional representative in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas, and Washington shall, severally, be entitled to one representative, in each session, and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The counties of Belmont, Columbiana, Ross and Wayne, shall, severally, be entitled to one representative, in each session; and three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The County of Muskingum shall be entitled to two representatives, in each session; and one additional representative, in the fifth session, of the decennial period.

The County of Cuyahoga shall be entitled to two representatives, in each session; and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The County of Hamilton shall be entitled to seven representatives, in each session; and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth session, of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article, shall form districts in the following manner, to-wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the

counties of Paulding, Defiance, and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one representative, in every session of the decennial period.

Done in convention at Cincinnati, the tenth day of March, in the year of our Lord, 1851, and of the independence of the United States, the seventy-fifth.

Schedule Adopted September 3, 1912

Sec. 20. The several amendments passed and submitted by this convention when adopted at the election shall take effect on the first day of January, 1913, except as otherwise specifically provided by the schedule attached to any of said amendments. All laws then in force, not inconsistent therewith shall continue in force until amended or repealed; provided that all cases pending in the courts on the first day of January, 1913, shall be heard and tried in the same manner and by the same procedure as is now authorized by law. Any provision of the amendments passed and submitted by this convention and adopted by the electors, inconsistent with, or in conflict with, any provision of the present constitution, shall be held to prevail.

Schedule to Article IV

sections 3, 7, 12 and 15, adopted september 3, 1912

Sec. 21. If the foregoing amendment shall be adopted by the electors, the judges of the Courts of Common Pleas in office, or elected thereto prior to January 1, 1913, shall hold their offices for the term for which they were elected and the additional judges provided for herein, shall be elected at the general election in the year 1914; each county shall continue as a part of its existing common pleas district and subdivision thereof, until one resident judge of the Court of Common Pleas is elected and qualified therein.

Schedule to Article XV

section 9, adopted november 5, 1918

Sec. 22. If the proposed amendment be adopted, it shall become Section 9 of Article XV of the constitution, and it shall take effect on the 27th day of May of the year following the date of the election at which it is adopted, at which time original sections 9 and 9a of Article XV of the constitution and all statutes inconsistent with the foregoing amendment shall be repealed.

ANTI-SLAVERY AND OTHER MOVEMENTS IN OHIO

CHAPTER I

THE ANTI-SLAVERY MOVEMENT IN OHIO

In the Ordinance of 1787

In 1619 the first slaves were introduced into the American colonies at Jamestown, Virginia. At that time, by charter right Virginia included the greater part of what afterward became the Northwest Territory, a portion of which still later was admitted as the state of Ohio. It is true that for a number of years the French claimed this territory, but the claims of Great Britain and her colony of Virginia were confirmed by the treaty of Paris in 1763. When Virginia became one of the states under the articles of confederation, she still claimed the territory north and west of the Ohio River.

Prior to the adoption of the Ordinance of 1787, the right to take slaves into this territory and hold them in bondage was generally recognized. When Virginia ceded her western lands to the United States, the right to hold acquired property of all kinds was safeguarded in the deed of session. Property in slaves was not specifically mentioned but by general consent it was implied, and slavery continued without interruption in the French settlements at Vincennes and Kaskaskia.

The sixth article of the compact in the Ordinance of 1787, in very definite terms, prohibited slavery in the territory. The language of the inhibitory clause that was to mean so much to the territory, to Ohio and to the United States may well be remembered; it was prophetic of Fort Sumpter and Appomattox and universal liberty in America:

"There shall be neither slavery nor involuntary servitude in said territory otherwise than in punishment of crimes whereof the party shall have been duly convicted."

The remaining part of the article provides for the return of slaves to their masters:

"Provided, always, that any person escaping into same from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."[1]

In these two clauses of this section are seen a lucid declaration for freedom, worthy of the statesmen who framed the Declaration of Independence, and an implied pledge to return slaves to their masters—a compromise—an intimation of a fugitive slave law that in the years to come was to add fuel to the burning anti-slavery issue.

Much has been written on the origin of the sixth article of compact in the ordinance and the honor of authorship has been claimed for a number of prominent men, all of whom actually had some part in its formation. Their claims are more fully presented in the chapter entitled "The Ordinance of 1787, Its Origin and Authorship."

Thomas Jefferson must be given much credit for the original introduction, March 1, 1784, in a report to the Continental Congress, of an ordinance for the government of the Western Territory, containing a clause prohibiting slavery on both sides of the Ohio River. This initial ordinance reported by Jefferson named five principles which should form

[1]See facsimile of original in handwriting of Nathan Dane in "The Marietta Celebration," October 17-18, 1906, op. p. 80.

the basis not only of the temporary government of the Western Territory, but also the permanent government of the states formed from that territory. The fifth of these principles or articles of compact read as follows:

"That, after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty."[2]

It will be noted that this clause was not to become effective for sixteen years—not until 1801; and that it contained no proviso for the return of slaves escaping from their masters. When it is remembered that it applied to the Western Territory on both sides of the Ohio River, we appreciate more fully what a limitation to the growth of slavery it held in prospect.

Thomas Jefferson, though a slaveholder, was opposed to slavery. There can be no doubt of this. Before the Revolution, when he was a member of the House of Burgesses of Virginia,[3] he attempted to have it abolished in that colony. At other times he freely and emphatically expressed his opposition to the institution. Especially is this true of his views as expressed in the chapter devoted to the subject in his "Notes on the State of Virginia."[4] He was consistent in his opposition to its extension to the Western Territory. Many writers have drawn attention to the fact that this provision was stricken from the ordinance of 1784, but Jefferson's attitude toward this change has not always been made clear.

On April 19, 1784, a motion was made, in effect though not in form, to strike out of the ordinance offered by Jefferson the clause prohibiting slavery after the year 1800. This motion carried and Virginia voted for it. At that time three representatives from Virginia were present in Congress. Under the articles of confederation, the voting was by states, each state in Congress having one vote. Jefferson voted to retain the anti-slavery clause as he had reported it, but his two colleagues voted to strike it out and thus threw the vote of Virginia against the proposal. The record attests the consistency and sincerity of Thomas Jefferson.[5]

On April 23, 1784, the amended ordinance reported by the committee of which Jefferson was chairman was passed without any restriction as to slavery. Thus ended his apparently futile effort to exclude it from the Western Territory.

That effort, however, was not forgotten. To Jefferson must ever be accorded the honor of first reporting to Congress a proposal to prohibit slavery from the Western Territory. To his statesmanship and foresight is traced the constructive conception of a prohibitory provision made permanent by irrevocable compact. It was this feature originated by him that gave stability to the fundamental principles that were finally included in the great ordinance.

The year following, March 16, 1885, Rufus King, delegate from New York, offered the following resolution:

"That there shall be neither slavery nor involuntary servitude in any of the states described in the resolve of Congress of the 23d of April, 1784, otherwise than in punishment of crimes whereof the party shall have been personally guilty; and that this regulation shall be an article of compact and remain a fundamental principle of the constitutions between the thirteen original states and each of the states described in the said resolve of the 23d of April, 1784."[6]

On a motion "to commit" this resolution the vote by states stood: Aye; New Hampshire, Massachusetts, Rhode Island, Connecticut, New

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[2]Smith. The St. Clair Papers, Vol. II, p. 605.
[3]"The Writings of Thomas Jefferson," 1853, Vol. I, p. 4.
[4]Jefferson, Notes on the State of Virginia, 1801, pp. 318-322.
[5]Webster's Reply to Hayne, U. S. Senate, January 26, 1830.
[6]Smith, The St. Clair Papers, Vol. II, p. 606.

York, New Jersey, Pennsylvania, Maryland. No; Virginia, North Carolina, South Carolina, Georgia.

The motion prevailed and the resolution was committed to the whole House for further consideration. The division here presented is somewhat typical, except that Maryland usually voted with the Southern states on questions relating to slavery.

The proposal was promptly referred to a committee of which Mr. King was chairman. He presented the report of this committee April 26. It differed very materially from the article referred. It had been so amended as to permit the continuance of slavery in the Western Territory until after the year 1800, as in the original provision introduced by Jefferson, and was supplemented with the proviso for the return of fugitive slaves. As amended in committee it read as follows:

"Resolved, That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the states described in the resolve of Congress of the twenty-third day of April, 1784, otherwise than in the punishment of crimes whereof the party shall have been personally guilty; and that this regulation shall be an article of compact and remain a fundamental principle of the constitution between the thirteen original states and each of the states described in the said resolve of Congress of the twenty-third day of April, 1784, any implication or construction of the said resolve to the contrary notwithstanding. Provided always, upon the escape of any person into any of the states described in the said resolve of Congress of the twenty-third day of April, 1784, from whom labor or service is legally claimed in any one of the thirteen original states, such fugitive may be lawfully reclaimed and carried back to the person claiming his labor or service as aforesaid."[7]

Here appears for the first time the provision for the return of fugitive slaves. Who first suggested it is not known.

Mr. King's proposal was never further acted upon and the original ordinance of April 23, 1784, remained in force, but ineffective as it attracted little emigration to the Western Territory.

Under new and peculiarly favorable conditions an ordinance for the government of the Western Territory was reported April 26, 1787, and referred July 9, of that year, to the following committee: Edward Carrington, of Virginia; Nathan Dane, of Massachusetts; Richard Henry Lee, of Virginia; John Kean, of South Carolina, and Medancthon Smith, of New York. It will be noted that three of the five were from the South. At this time eight states, three northern and five southern, were represented by delegates in Congress.

When the ordinance was reported, July 11, by the chairman of the committee, Mr. Carrington, it was in a form radically different from that in which it had been referred. It contained no prohibition of slavery—only the first five articles of compact. The anti-slavery provision was offered on the second reading of the ordinance, July 12, by Mr. Dane and unanimously adopted as the sixth article of the compact.[8] Whether this vital amendment was suggested by someone else or copied from a proposal handed to Mr. Dane is not a matter of official record or material importance. It seems probable that it was made more acceptable to the southern delegates because it included with the prohibition of slavery a supplemental clause providing for the return of fugitive slaves. None of the previous proposals contained this clause. It was evidently offered and accepted as a compromise. But there were other considerations as we shall see that led the delegates from the Southern states to give it their support.

A very large measure of the honor of authorship and successful handling of this article, of course, must go to Nathan Dane. The article

[7]Barrett, Evolution of the Ordinance of 1787, pp. 29-30.
[8]Smith, The St. Clair Papers, Vol. II, p. 611.

as he proposed it was found many years ago with the papers of the Continental Congress in his own hand writing, and in the absence of any testimony to the contrary his must be the credit of presenting at the psychological moment in acceptable form this provision that had such far reaching results—results unforseen or even dreamed of by the delegates of the old Continental Congress that gave it their unanimous support. The ordinance as amended was adopted without a dissenting vote.[9]

Briefly stated, such were the principle preliminary stages in the enactment of the anti-slavery clause of the Ordinance of 1787. Here we might properly leave the subject, but so much has been written in regard to the creating and impelling influences back of the Continental Congress and so many claims have been set up for a share in the authorship of this particular provision that something will be expected by way of supplement to the preceding summary.

The anti-slavery clause was the fortunate result of a number of converging causes. It was the aftermath of the Revolution, the Indian wars and the development of new views in regard to the potential industrial and social future of what was then the Great West.

At the close of the War for Independence, the United States was deeply in debt. The Continental Congress was hard pressed for money to meet the obligations of the Government, especially those to the soldiers of the Revolution. No money was at hand to meet their claims; but there was land—vast areas of fertile lands that had been ceded to the government by the original states. The soldiers, whose needs were pressing and who were eager to reap the results of their patriotic service and sacrifice, in lieu of cash, which could not be had, were willing to take land, which the government had in abundance.

The plan of Col. Timothy Pickering,[10] entitled "Propositions for settling a new state by such officers of the Federal army as shall associate for that purpose," was the formulation of a project that had undoubtedly been discussed by Revolutionary officers who desired to accept land in payment of their claims against the government and to seek their fortunes in a new state beyond the Alleghany Mountains in the fertile valley of the Ohio. Proposition 11 of this plan read as follows:

"That a constitution for the new state be formed by the members of the association previous to their commencing the settlement, two-thirds of the associators present at a meeting duly notified for that purpose agreeing therein. The total exclusion of slavery from the state to form an essential and irrevocable part of the constitution."[11]

The plan was drafted almost a year before Jefferson introduced in the Continental Congress his ordinance containing the anti-slavery provision. It is more than probable that it had been brought to the attention of Jefferson. It was circulated among the Revolutionary officers interested in the proposed venture and was probably drafted as an expression of their views as well as the views of the author. Possibly the expression "irrevocable part of the constitution" is the germ of Jefferson's "charter of compact," * * * "unalterable but by joint consent" of the United States and the state formed from the Western Territory.

There is no evidence that the Revolutionary officers were especially active in demanding an anti-slavery clause in the fundamental law of the new state. One of their leaders, General Rufus Putnam, an enthusiast in the movement for the settlement of a large tract of land in the Western Territory, does not seem to have mentioned slavery in his letters of this period.

It is certain, however, that Pickering continued to favor very strongly the inclusion of an anti-slavery clause in any ordinance enacted

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[9]Smith, The St. Clair Papers, Vol. II, p. 611.

[10]Cutler, Life, Journals and Correspondence of Manasseh Cutler, Vol. I, pp. 156-159.

[11]Ibid., p. 158.

for the government of the territory. In a letter to Rufus King, dated March 8, 1875, he speaks thus of the ordinance reported by Jefferson and passed April 23, 1784:

"There is one article in the report of the committee on which that act was made which I am extremely sorry to see was omitted in the act. The committee proposed that after the year 1800 there should be no slavery in the new state. I hardly have the patience to write on a subject in which what is right is so obvious and so just and what is wrong is so derogatory to Americans above all men, so inhuman and iniquitous in itself."[12]

He emphasized the importance of excluding slavery from the inception of the establishment of a separate government for the Western Territory and urged Mr. King to make one more effort "to prevent so terrible a calamity." Among other things he wrote:

"To suffer the continuance of slaves until they can gradually be emancipated in states already over-run with them, may be pardonable, because unavoidable without hazarding greater evils; but to introduce them into countries where none now exist—countries which have been talked of, which we have boasted of as asylums to the oppressed of the earth—can never be forgiven."[13]

It will be noted that on March 16, only eight days after Pickering's letter, Mr. King introduced into Congress the resolution to amend the Act of April 23, 1784, by the addition of a provision to exclude at once slavery from the Western Territory. Though this provision was materially amended and afterward abandoned without action, it kept the subject alive before Congress and doubtless contributed much to the final result.

The actual organization of the Revolutionary army officers as the Ohio Company, by delegates who assembled at the Bunch of Grapes Tavern, March 1, 1786,[14] gave added force to the petition of these officers, 288 in number, which was forwarded to Gen. George Washington by Gen. Rufus Putnam June 16, 1783.

The year following the organization of the Ohio Company, March 8, 1787, Gen. Samuel H. Parsons, Gen. Rufus Putnam and Rev. Manasseh Cutler were chosen directors of the company.[15] From this time forward Reverend Cutler figures prominently in its activities. At this meeting it appeared that 250 shares in the company had been subscribed. Of these Reverend Cutler had obtained 100 shares and it has been surmised that his election as a director was in recognition of this substantial activity. General Parsons was the authorized agent for the company and he appeared before Congress with a memorial for the purchase of land.

On July 5, 1787, Manasseh Cutler appeared in New York[16] as the agent of the Ohio Company, armed with many letters of introduction to members of Congress and authorized to purchase from the Government a large tract of land in the western country. On the thirteenth of that month the ordinance in its final form was enacted, and the result, as already stated, was due to the happy union of a number of influences. Among the most potent were these:

1. The desire of Congress to discharge its obligations to the Revolutionary soldiers who were pressing their claims and willing to take western lands in payment.

2. The insistence of the Ohio Company, composed of Revolutionary officers, upon the inclusion in the ordinance of certain fundamental principles.

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[12]Barrett, Evolution of the Ordinance of 1787, p. 29.

[13]Ibid., note, and Pickering, "Life of Pickering," Vol. I, p. 510.

[14]Cutler, Life, Journals and Correspondence of Manasseh Cutler, Vol. I, p. 180.

[15]Ibid., p. 191.

[16]Ibid., p. 229.

3. The assurance that the settlement of the territory northwest of the Ohio would protect the settlements south of that river from the incursions of the Indians.

4. The presence in Congress of new members from the South—especially from Virginia—with new ideas in regard to the industrial and social results of free labor under the ordinance as finally framed.

5. The limitation of the new ordinance to the territory of the United States northwest of the River Ohio.

The influence of the Ohio Company is clearly intimated in the letter of Nathan Dane in which he stated, "We found ourselves rather pressed; the Ohio Company appeared to purchase a large tract of Federal land." Congress wished to sell the land—was pressed to do so, and willing to make concessions in the frame of government to satisfy the purchaser.

Delegates from the South, especially those from Virginia, appreciated the importance of white settlements north of the Ohio River, as a protection against the Indians, and were willing to go far in support of a measure that would attract permanent settlers to the proposed new state.

In the discussion of the agencies that gave the anti-slavery provision of the ordinance such clear sailing in Congress, sufficient importance has not, perhaps, been given to the views of the new leaders from the South on the economic and moral effect of free labor, northwest of the Ohio, on the industrial and social life of that section. These men seem to have reasoned that instead of being a menace to the industrial welfare of the South, the exclusion of slavery from the Northwest would be to their advantage. Distinct evidence of this has been recorded by William Grayson, delegate from Virginia and temporary president of the Continental Congress when the ordinance was passed. Afterward, August 8, 1787, in a letter to James Monroe, he states some of the reasons that led southern delegates to vote for the anti-slavery clause in the ordinance. He says:

"The clause respecting slavery was agreed to by southern members for the purpose of preventing tobacco and indigo being made on the northwest side of the Ohio, as well as for other political reasons."[17]

No doubt this and "the other political reasons" had been freely discussed among the delegates from the South. It is easy to see how they might conclude that their section would be benefited by a monopoly of cheap labor. Assured of the return of their slaves escaping to the territory and the states to be formed therefrom, the reasoning of Grayson and his associates was logical. The logic of these men, however, long years afterward was forced to give way to the logic of events. In this case, as we shall see, the logic of prophesy was overthrown by the logic of history.

The previous proposals applied to all the territory extending west of the original thirteen states to the Mississippi River and from the Great Lakes on the north to the Spanish possessions on the gulf coast to the south. To exclude slavery from this vast territory would prevent its extension to the southwest as well as the northwest and assure its abolition, at an early date, throughout the United States. It was much easier for southern delegates to vote for a clause that would exclude it from only the territory northwest of the Ohio.

Any adequate survey of the influences that aided materially in the adoption of the Ordinance of 1787 must assign great credit to Rev. Manasseh Cutler. He entered upon his work as the agent of the Ohio Company with enthusiasm. He was impressed with the worth and magnitude of the enterprise. His "Journals" show that he knew how to approach men and secure consideration for the work he had in hand. Though he came from New England and his antecedents were of the Puritan type, neither sectionalism nor intolerance prevented him from

[17]Barrett, Evolution of the Ordinance of 1787, p. 79.

at once establishing friendly relations with the members of Congress, especially those from the South. He cultivated them industriously. In our day he might have been called a lobbyist, but he was a lobbyist in a good cause by fair means, and succeeding generations owe him a debt of gratitude for his beneficent service.

Cutler's "Life, Journals and Correspondence," in two ample volumes, has been edited and published by friendly hands. The compilation and extended comment are by his grandchildren, William Parker Cutler and Julia Perkins Cutler, the former a delegate to the second constitutional convention of Ohio and a member of Congress from the Marietta district. The work has been done with the ability, industry and devotion that we would naturally expect from cultured kinsmen. While there is a desire, frequently expressed, to be fair and just in describing the part that their great ancestor had in the formation of the ordinance, it is too much to expect, perhaps, that their statements in every instance would be entirely disinterested. Ancestral and filial devotion are praiseworthy, but they do not always shed an unbiased light on historical events.

What Manasseh Cutler did in the short period between his appearance before Congress, July 5, and July 10, only five days, in any view of the situation, was a wonderful achievement. He seems to have been just the man to meet the opportunities presented. His strong claims to a prominent part in framing the anti-slavery clause of the ordinance is set forth by his grandchildren as follows:

"There is sufficient historic data to satisfy the inquirer that this was the situation when, on the 10th of July, 1787, Doctor Cutler made the following entry in his 'Journal': 'This morning another conference with the committee. As Congress was now engaged in settling the form of government for the Federal Territory, for which a bill has been prepared, and a copy sent to me (with leave to make remarks and propose amendments), which I had taken the liberty to remark upon and propose several amendments, I thought this the most favorable time to go to Philadelphia.' July 19th, after his return from Philadelphia, he says: 'Called on members of Congress very early in the morning, and was furnished with the ordinance establishing a government in the Western Federal Territory. It is in a degree new-modeled. The amendments I proposed have all been made, except one, and that is better qualified. It was that we should not be subject to continental taxation unless we were entitled to a full representation in Congress.' "[18]

What the amendments offered by Doctor Cutler were does not appear in his "Journal" nor in any of his correspondence. The measure for the government of the Western Territory, to which he refers, was very different from the ordinance passed only three days later. He seemed to be satisfied when he left New York that his amendments would be adopted. His faith that this would be done indicates that after all he was not an experienced lobbyist. A person interested as he was in a measure before any legislative body should follow it very closely through all stages of its progress. Previous measures of a similar character had failed before Congress and there was a possibility that something might occur at the last moment to defeat the measure now under consideration. The report finally made to Congress for action and before that body for consideration two days later, July 12, after Cutler had left New York, contained no reference whatever to slavery. It was left to a vigilant member of Congress who had been industriously following every change in the ordinance, at the psychological moment on July 12, 1787, to offer the amendment prohibiting slavery for all time in the Northwest Territory. The congressman who did this, as we have seen, was one of the representatives from Massachusetts, from Doctor Cutler's home town, Nathan Dane.

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[18]Cutler, Life, Journals and Correspondence of Manasseh Cutler, Vol. I, p. 342.

But the editors of the "Life, Journals and Correspondence" of Doctor Cutler were not content to let the matter rest there. His son-in-law, Dr. Joseph Torrey, came forward with this statement:

"At a recent professional call at Hamilton, Brother Temple produced large files of Ohio documents, but I had time only for a hasty examination. I saw among these documents the Ordinance of 1787 on a printed sheet. On its margin was written that Mr. Dane requested Doctor Cutler to suggest such provisions as he deemed advisable, and that at Doctor Cutler's instance was inserted what relates to religion, education and slavery. These facts have long been known to me as household words."[19]

This statement is contained in a letter written to Judge Ephraim Cutler, son of Manasseh Cutler, under date of January 30, 1847, almost sixty years after the enactment of the ordinance.

Ephraim Cutler, who pursued the quest of authorship of the anti-slavery provision with much industry and filial devotion, bears strong testimony in his father's favor in the following recollections:

"I visited my father at Washington during the last session he attended Congress (1804-1805). In his boarding house he occupied a room with the reverend gentleman who represented the Hampshire and the Connecticut River counties whose name I have forgotten. We were in conversation relative to the political concerns of Ohio, the ruling parties, and the effect of the (Ohio) constitution in the promotion of the general interest when he observed that he was informed that I had prepared the portion of the Ohio constitution which contained the part of the Ordinance of 1787, which prohibited slavery. He wished to know if it was a fact. On my assuring him that it was, he observed that he thought it a singular coincidence, as he himself had prepared that part of the ordinance while he was in New York negotiating the purchase of the lands for the Ohio Company. I had not then seen the 'Journal' he kept while he was in New York at that time."[20]

Judge Cutler further stated on another occasion that his father, according to his own testimony, succeeded in having the prohibition of slavery and other important principles incorporated in the ordinance because "he was acting for associates, friends and neighbors, who would not embark in the enterprise, unless these principles were unalterably fixed."

Assuredly here is strong testimony that Dr. Manasseh Cutler was entitled to chief credit for the authorship of the anti-slavery clause. Not only his grandchildren but also a number of other writers have put forward and defended this claim at different times. Unfortunately for them, however, Nathan Dane wrote to Rufus King a letter dated July 16, 1787, only three days after the adoption of the ordinance, setting forth very clearly and briefly the conditions attending that important event and containing no reference whatever to Doctor Cutler.[21] This letter was written when there was no controversy in regard to the authorship of the ordinance, and its testimony with reference to the anti-slavery clause was direct and final. Here is what he said on this point:

"When I drew the ordinance, which passed (a few words excepted) as I originally formed it, I had no idea that the states would agree to the sixth article prohibiting slavery, as only Massachusetts of the Eastern States was present, and therefore omitted it in the draft; but, finding the House favorably disposed on this subject, after we had completed

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[19]Cutler, Life, Journals and Correspondence of Manasseh Cutler, Vol. I, p. 342.

[20]Cutler, Life, Journals and Correspondence of Manasseh Cutler, Vol. I, p. 343.

[21]See Dane's letter in full.

the other parts, I moved the article, which was agreed to without opposition."[22]

The editors of the "Life, Journals and Correspondence" of Doctor Cutler reproduce the letter from Dane to Rufus King, but they reproduce it after they have discussed and apparently attempted to explain away the virtue of certain features of it. They would have the reader believe that Doctor Cutler had settled the whole matter before he started back to Philadelphia; that Dane had not understood this although he was a member of the committee that had the ordinance in hand, and that when he finally presented the anti-slavery clause the delegates voted for it because of the previous persuasion of Doctor Cutler. Here is their view of the situation:

"The important inquiry, therefore, is, whence came this unanimity by a committee, a majority of whom were normally hostile to the sixth article? In fact, the Congress itself had shown decided hostility to this measure more than once prior to this occasion. Mr. Dane seems to understand the situation for he says: 'I have no idea that the states would agree to the sixth article prohibiting slavery,' and assigns as a reason, 'as only Massachusetts of the Eastern States was present.' The explanation is easily found in the fact that Massachusetts had another agent on the ground, who had exerted such positive influence with the southern members that the whole question was settled quietly, without discussion, without sectional appeal, and was controlled by the paramount interests and considerations that surrounded the whole subject. Doctor Cutler did not go to Massachusetts for anti-slavery action, or for land purchase. He went directly to Virginia and to members from the 'southward.' They were men that could and did, listen to an intelligent presentation of a most important national enterprise, and they possessed the patriotism and integrity of character that raised them above a mere sectional view of the matter."[23]

Upon reflection, this view suggests some pertinent questions:

1. If the committee having the ordinance in charge were fully persuaded that the anti-slavery clause should be included, why did they not report it with the ordinance?

2. If the committee and a majority of the members of Congress had been influenced to this view by Doctor Cutler, how does it happen that Nathan Dane did not know it? He was not only a member of Congress but a member of the committee to which the whole subject was referred.

These questions seem never to have been satisfactorily answered by those who claim for Doctor Cutler the credit of authorship of many of the essential provisions of the ordinance including the clause prohibiting slavery. It is a little singular in this connection that Doctor Cutler's "Journal," so far as we have been able to learn, does not mention the subject of slavery in connection with his mission to Congress in behalf of the Ohio Company. Certainly he has left no record to the effect that he and his associates made this the sine qua non of the conditions upon which they would purchase land for the establishment of a new state in the Ohio country.

Mr. Jay A. Barrett, in his very valuable monograph on the "Evolution of the Ordinance of 1787," expresses the opinion that whatever Doctor Cutler did in behalf of the anti-slavery provision was prompted rather by the desires of those whom he represented in the Ohio Company than by his personal interest in the anti-slavery cause. He says among other things:

"If, on the other hand, Doctor Cutler consulted his own opinion in the matter, it is not so certain that he would have cared much for an anti-slavery clause. His later history at least does not show that he was

[22]Stone, Pennsylvania Magazine of History and Biography, Vol. XIII, p. 326; Dane's, Letter to King.

[23]Cutler, Life, Journals and Correspondence of Manasseh Cutler, Vol. I, p. 350.

a very ardent champion of that cause. He was one of the representatives from Massachusetts in the Eighth Congress; and when it was moved, on January 18, 1805, to begin on the Fourth of July of that year to emancipate gradually the slaves within the national District, Manasseh Cutler voted against the measure. Twice in the consideration of this question did he oppose an anti-slavery move. He may have had special reasons for thus recording his vote; but, to say the least, it does not show on his part any great anxiety in the cause of anti-slavery."[24]

There has at times been a disposition to minimize the contribution of Nathan Dane to the Ordinance of 1787. Bancroft, while not denying that he drafted it, speaks of him as the "scribe" of the committee that had it in charge. Doctor Poole, probably quoting from Bancroft, refers to Dane in almost identical language. A careful survey, however, of the leading monographs that have been devoted to this subject and an examination of original correspondence, as far as it is available, of those who participated in the creation and formulation of the ordinance—and especially the anti-slavery provision—leads inevitably to the conclusion that Nathan Dane is entitled to all that he ever claimed in regard to his part in that epoch-making achievement. The principles that entered that great state paper were not original with any one of the actors in the final stages of its adoption. The genius of Nathan Dane was not of the spectacular order. It was a genius for industry and a thorough knowledge of the parliamentary procedure through which results are accomplished in a legislative assemblage.

Through the long stretch of years that lead us back to the old Continental Congress, in its final session in the City of New York, we can see the prominent actors through the early days of July, 1787. (Most of the prominent American statesmen of that day were in Philadelphia, participating as members in the convention that was moulding the constitution of the United States. There was James Madison, and Rufus King, and Charles Pinckney, and James Wilson, and Hugh Williamson, and Nathaniel Gorham and other delegates to Congress who were at the same time members of the national constitutional convention. Philadelphia, through those days, was the center of attraction to statesmen interested in the future of the Republic.

But in the Continental Congress in New York City still remained men of eminent ability. Only eight of the thirteen states were represented and five of these were southern states. It is indeed remarkable that here, in this comparatively small body of men, a majority from the slave states, should be wrought out the fundamental law that should ultimately overwhelm the institution of slavery and make liberty universal in America.

Among these actors in the momentous achievement of that Congress were the eminent statesmen from Virginia, William Grayson, Edward Carrington and Richard Henry Lee. It was Lee who had made the motion shortly before the Declaration of Independence that "these united colonies are, and of right ought to be, free and independent states," and whose name was attached to the Declaration when it was adopted. And there, representing almost alone his section in Congress, was the active and vigilant New Englander, Nathan Dane, watching every movement and every indication favoring the progress of the principles that he personally espoused and striving to accomplish as nearly as possible the things desired by the Ohio Company, their agents and the demands of the future that he and his associates saw but dimly. The ordinance had been prepared and reported in printed form. Five articles of the great compact were there practically as they were finally passed.

But the document contained not a word in regard to slavery. Doctor Cutler had gone to Philadelphia. The favorable impression that he had left and the friendly spirit that pervaded Congress doubtless were at

[24]Barrett, Evolution of the Ordinance of 1787, p. 76.

work. Who was to interpret it and carry it to its beneficent conclusion? Nathan Dane with his own pen had prepared the sixth article of the compact. If he was not a great originator, he assuredly was an adroit and effective compiler. He took from measures that had previously been before Congress and failed, (1) the resolution offered by Rufus King in 1785, providing immediate prohibition of slavery in the Northwest Territory; (2) the proviso that had afterward been reported to Congress requiring the return of fugitive slaves. Such was the mood of Congress and the manner in which this article of compact was presented that it became, by unanimous vote, a part of the ordinance. Others had furnished materials and prepared the way. It was left to Nathan Dane to combine these and make them a fundamental principle of our American institutions.

Under the Ordinance of 1787

While there was general satisfaction, especially among the officers and members of the Ohio Company, with the articles of compact in the ordinance, including the sixth, which dedicated the territory northwest of the Ohio River to freedom, it was not long until Governor St. Clair found that there was considerable opposition to this inhibition of slavery. Just when this was first manifest is not definitely known.

He was apprised of it within a year after he formally entered upon his duties as governor, by Bartholomew Tardiveau in a lengthy communication under date of June 30, 1789[1]. Tardiveau viewed with alarm "a resolution passed in the year 1787, concerning the Western Federal Territory, the object of which was to prohibit slavery in that country." He proceeded to give his views of the anti-slavery provision of the ordinance as follows:

"I then foresaw the evil consequences to the territory of this act and the consternation it would produce among the inhabitants of the Illinois country, and communicated my fears to the gentlemen in Congress, demonstrating, at the same time, the illegality of an ex post facto law, the operation of which would deprive a considerable number of citizens of their property, acquired and enjoyed long before they were under the domination of the United States. I would have presented a memorial on the subject but was told that it was needless, and that there would not be the least difficulty. * * * Sensible of the justice of my statement, gentlemen remarked that the intention of the obnoxious resolution had been solely to prevent the future introduction of slaves into the Federal country; that it was not meant to affect rights of the ancient inhabitants; and promised to have a clause inserted in it explanatory of its real meaning, sufficient to ease the apprehension of the people, but it was not done."

Mr. Tardiveau then proceeded to describe the effect of the "obnoxious resolution" on the inhabitants of the western part of the territory:

"The wretched inhabitants of Illinois, who had seen themselves for ten years neglected by that power from which alone they could expect protection, now found that the very first act of attention paid to them pronounced their utter ruin. It was not intended, I know; but it was designedly represented to them and with many aggravating circumstances rumored that the very moment your Excellency landed at the Illinois all their slaves would be set free. A panic seized upon their minds and all the wealthiest among them, having but a wreck of once affluent fortunes, have gone to seek from the Spanish government that security which they conceived was refused to them."

Under date of October 11, 1793[2], Governor St. Clair in a letter to Luke Decker, of St. Vincennes, declared that he had "again been considering the subject of slavery as it stands * * * according to the Ordinance of Congress for the government of the territory." He

[1]Smith, The St. Clair Papers, v. ii, p. 588.
[2]Smith, The St. Clair Papers, Vol. II, p. 318.

then proceeded to explain his view, more fully amplified later, as we shall see, that the declaration of the ordinance against slavery was not retroactive; that it did not liberate those who were slaves in the territory at the time the ordinance became effective, that it did provide "that property of that kind afterward acquired should not be protected in the future and that slaves imported into the territory after that declaration might reclaim their freedom." "And this," he added, "I take to be the true meaning and import of the clause of the ordinance, and when I was in the Illinois country I gave the people there my sentiments on this subject in the same manner, which made them easy."

And why did it make them "easy"? Because they understood that they were to continue to enjoy their "property" in slaves.

Possibly St. Clair here refers to his first visit to the Illinois country in the spring of 1790, when he created the County of St. Clair and spent some time in the French town of Kaskaskia and Kahokia where slavery had for many years been an established institution. At all events it is sufficiently clear that the question of slavery claimed serious attention early in his administration.

It is worthy of note that in the year 1793 Congress passed its first fugitive slave law. The provision in the Ordinance of 1787 for the return of slaves was general and indefinite. The specific agencies to be employed for their return were to be authorized by legislative enactment. The act of 1793 provided these.

The views of St. Clair as to the application of the sixth or anti-slavery article of the compact are set forth more fully in a letter to Judge George Turner, of the territorial court, dated December 14, 1794:

"The declaration in our constitution, that there shall be no slavery nor involuntary servitude in the territory, applies to, and can be taken advantage of only by those slaves who may have been imported since the establishment of that constitution. Slavery was established in that country when it was under the dominion of France. It was continued when it fell under that of Great Britain; and, again, under Virginia, a part of the territory of which it was considered by that state until the cession thereof made to Congress; and whether that construction of the state was ill or well formed, the acceptation of the cession by Congress confirmed it to all intents and purposes; and there is also a clause in that cession about continuing to the ancient settlers, and those who had settled under Virginia, the benefit of their ancient laws and customs. As I have not the act of cession of that state by me at the present, I can not give you the words. Slaves were then a property acquired by the inhabitants conformably to law, and they were to be protected in the possession of that property. If so, they are still to be protected in it. So far as it respects the past, it can have no operation, and must be construed to intend that, from and after the publication of the said constitution, slaves imported into that territory should immediately become free; and by this construction no injury is done to any person, because it is a matter of public notoriety, and any person removing into that colony and bringing with him persons who were slaves in another country, does it at the known risk of their claiming their freedom; whereas, on the other hand, had the constitution the effect to liberate those persons who were slaves by the former laws, as no compensation is provided to their owners, it would be an act of the Government arbitrarily depriving a part of the people of a part of their property—an attempt that has not been made and would not be submitted to, and is not to be drawn from the mere construction of words. I have troubled you with my thoughts upon this subject, because I have heard that there is great agitation among the people respecting it."[3]

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[3]Smith, The St. Clair Papers, Vol. II, p. 331. In speaking of the constitution, St. Clair, of course, means the Ordinance, which was the constitution for the government of the territory.

Judging from the concluding sentence quoted, the "agitation" over slavery was becoming more serious—"agitation," a word peculiarly descriptive of the long controversy over that institution; a controversy that closed with the Civil war.

Governor St. Clair naturally desired to quiet this agitation. This doubtless led him to adopt the somewhat specious argument that "There shall be neither slavery nor involuntary servitude in said territory" meant that slavery should not exist there except where it already existed. The logic of St. Clair, long recognized, was finally reversed by the courts. It was shattered when the Thirteenth Amendment to the Constitution of the United States, in language essentially identical, brought slavery to an end under the flag, without reservation or equivocation.

On September 9, 1793, in the Town of Cincinnati, appeared the first issue of William Maxwell's "Centinel of the Northwestern Territory," an event more fully detailed elsewhere in this work. Its columns contained no intimation of an anti-slavery controversy and advertisements for runaway slaves are few and far between. The first that has attracted our attention occurs in the issue of April 5, 1794. It reads in part as follows:

"Ten Dollars Reward

"Ran away from the subscriber Feb. 21, last, living in Kentucky in Lincoln County, a Negro man by the name of Sam, about 26 years old and about 5 ft. 6 inches high, and well made to that height, and has a very large beard for a Negro of that age and a very large mouth. * * *"

"William Bryant."

In the issue of this pioneer paper for May 31, of the same year, one George G. Taylor offers a reward of $10 for the recovery of "a Negro man named Aaron."

In the issue for October 18, 1794, Nicholas Hawkins and William Robinson jointly offer "sixty dollars reward" for two negroes about twenty-one years old who had escaped from "Madison Court House."

These slaves had probably all escaped across the Ohio River in an effort to gain their freedom. From the rewards offered we readily infer that slaves were not then considered as valuable as they became in later years.

It appears that the territorial laws, adopted by the governor and judges and the Legislature, contained no direct reference to slavery. The act of Congress, already cited, covered that subject fully.

After the defeat of the Indians by Anthony Wayne at the battle of Fallen Timbers in 1794 and the treaty at Greenville in the year following, the territory increased rapidly in population. Its fertile lands attracted immigrants from all the seaboard states—from the South as well as the North. Land owners, south and east of the Ohio River, looked longingly across it. They wished to come over into this "land of promise" and bring their slaves with them. It was largely from this class of prospective immigrants that the demand came for a modification or suspension of the anti-slavery article in the ordinance.

As early as 1796 a petition was presented to Congress asking the suspension of the sixth article of compact, but the committee to which it was referred reported it adversely.

In 1799, Revolutionary Veterans of the Virginia line petitioned the Territorial Legislature for the privilege of establishing themselves on the military bounty lands between the Scioto and Little Miami rivers. This petition was promptly rejected, (1) because it was prohibited by the ordinance; and (2) because public opinion, especially in the Eastern or more populous part of the territory was strongly opposed to slavery. The people and their representatives were opposed to it not only "on

the ground of its being a moral evil, in violation of personal rights, but were of the opinion that, whatever might be its immediate advantages, it would ultimately retard the settlement and check the prosperity of the territory by making labor less reputable and creating feelings and habits unfriendly to the simplicity and industry they desired to encourage and perpetuate."[4]

The wisdom of this attitude is attested by 125 years of subsequent history. The wise and beneficent policy of the pioneer forefathers attracted to the Northwest a sturdy, industrious, self reliant population that dignified labor, developed the resources of this favored land, espoused and advanced the principles of civil and religious liberty, instituted a Government based upon equality before the law and by the gravitation of merit made itself the dominant power of the republic.

When the territory had grown in population and the struggle for the Statehood of Ohio was under way, the slavery question was an incidental issue in the campaign for the choice of delegates to the convention that framed the first constitution of Ohio. The people of the territory, as stated by Judge Burnet, were opposed to slavery. If, therefore, it could be made apparent that any candidate favored its introduction, that would lose him votes. The pioneers from Virginia, a slave state, some of whom had been slave holders before coming to the territory, would naturally be more friendly to the institution than those who came from New England. There were, as we shall see later, some conspicuous exceptions; some of the Virginians had come into the territory to get away from the institution; but it is still generally true that those who came from the South viewed it with more tolerance.

In the neighboring territory of Indiana where New England immigrants were relatively fewer and where public opinion was less disposed to accord freedom to the negro, the Virginians, under the leadership of William Henry Harrison, at a later date in convention assembled, petitioned Congress to suspend the anti-slavery clause of the Ordinance of 1787.

The presumptive pro-slavery sentiment of the Virginians was sufficiently strong to afford the radical New England Federalists, hard pressed as they were for an issue, a basis for political attack. Under the leadership of Ephraim Cutler, Rufus Putnam and Arthur St. Clair, they openly charged their opponents with entertaining pro-slavery sentiments and planning to introduce into the constitution of Ohio some modification of article sixth of the ordinance.

If the "Journals and Correspondence" which he has left do not prove conclusively that Manasseh Cutler was especially interested in the abolition of slavery, the record left by his son, Ephraim Cutler, abundantly proves that he more than made good any lack of interest on the part of his father, and that his descendants may justly claim for him constant, consistent, sincere and effective opposition to the slave power. Like his father, he was a staunch Federalist and by ancestry, faith and practice a sturdy Puritan. His enthusiastic opposition to the Jeffersonian anti-federalist perhaps at times biased his judgment, but the services that he performed for the anti-slavery cause at this period of our history was very great. Upon apparently very slight provocation, he accused the anti-federalist candidates for delegates to the convention of seeking an opportunity to bring slavery into the new state. His accusation was pressed with such vigor that a number of the prominent opposing delegates had to come out publicly in a denial of any such intention. Mr. Cutler, by the vigorous campaign that he waged, aroused public opinion and in this way doubtless helped to preserve intact the fundamental principles of the great ordinance.

Governor Arthur St. Clair was active and in the course of the campaign made very clear his hostility to slavery. In a speech delivered at

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[4]Burnet, Notes on the Northwestern Territory, pp. 306, 307.

Cincinnati he denounced the formation of secret clubs to control the election, and said in part:

"They tell you, indeed, that their design is to keep the people that are not republicans out of the convention; but it looks more like a formed design to get themselves in whether they are capable or not. Republicans![5] What is a republican? Is there a single man in all the country that is not a republican, both in principle and practice, except, perhaps, a few people who wish to introduce negro slavery amongst us, and those chiefly residing in the County of Ross? Let them say what they will about republicanism, a man who is willing to entail slavery upon any part of God's creation is no friend to the rational happiness of any, and had he the power would as readily enslave his neighbor as the poor black that has been torn from his country and friends."

The federalists, however, were not able to make slavery the leading issue of the campaign. With no candidate willing to favor its introduction openly and with a large majority fully persuaded that the great issue was the early admission of Ohio, the result of the selection of delegates was in no sense a test of public opinion on the question of slavery. Less than one-third of the delegates elected were federalists, but of this minority some were leading citizens of the territory. A little later we shall see how the discussion of the slavery question entered the constitutional convention and continued to attract public attention.

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[5]Smith, The St. Clair Papers, Vol. II, p. 588.

CHAPTER II

ANTI-SLAVERY IN OHIO

IN THE CONSTITUTIONAL CONVENTION OF 1802

In continuing the history of the anti-slavery movement in Ohio, it is not necessary at this point to repeat in detail the events incident to the struggle for the admission of the state into the Union. It may be observed, however, that the enabling act passed by Congress required that the new constitution should provide a Government republican in form "and repugnant to the ordinance of the thirteenth of July, 1787, between the original states and the people and states of the territory northwest of the River Ohio." President Thomas W. Jefferson approved this enabling act. In so doing he was consistent with his attitude while a member of the Continental Congress in 1784, where he had favored the prohibition of slavery in the Western Territory after the year 1800. It would seem that under these conditions there was small opportunity for a contest over the admission of slavery or the status of the negro in the constitutional convention, when the delegates assembled in Chillicothe, November 1, 1802.

The meager Journal of the convention, which was in session only one month, and the contemporary and subsequent testimony of delegates and interested observers, however, indicate clearly that there were wide differences of opinion and warm discussion at times over the rights and privileges to be accorded to the negroes living within the proposed limits of the new state.

The publication in 1890, of "The Life and Times of Ephraim Cutler," by his daughter, Julia Perkins Cutler, threw a flood of light on the subject now under consideration and made a strong presentation of the federalist view, which was strengthened and sustained by the almost simultaneous appearance of the scholarly work by B. A. Hinsdale, entitled, "The Old Northwest."

Ephraim Cutler was the author of the second section of the eighth article of the first constitution of Ohio. It is a clear-cut prohibition of slavery in language much like that of the sixth article of the Ordinance of 1787, omitting the provision for the return of fugitive slaves. Judge Cutler's account of the stages through which this section passed and his successful work in its support is summarized in the following paragraph.[1]

The second section of the eighth article of the constitution of 1802, forbidding slavery in the state, was considered at the home of Edward Tiffin by the following committee of the convention: John W. Browne, Michael Baldwin, Ephraim Cutler, Israel Donalson, Francis Dunlavy, William Goforth, James Grubb, Nathan Updegraff and Elijah Woods. The chairman, Mr. Browne, proposed the following: "No person shall be held in slavery, if a male, after he is thirty-five years of age; or a female after twenty-five years of age." Mr. Cutler declares that the handwriting of this proposal was Thomas Jefferson's and adds that in a conversation with Thomas Worthington in Washington City he was informed that Jefferson had expressed himself as favorable to such a provision for the new constitution.[2]

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[1]Cutler, Life and Times of Ephraim Cutler, p. 74.

[2]Cutler, Life and Times of Ephraim Cutler, p. 75. It must be remembered that Ephraim Cutler was a radical Federalist and politically strongly opposed to Jefferson.

On motion of Mr. Cutler the proposed section was laid on the table until the next meeting of the committee. He then suggested, "to avoid any warmth of feeling," that each member of the committee prepare in writing a wording of the section expressing his views, for consideration at the coming meeting. The committee met the next morning and Judge Cutler was asked to present his draft of the section which he did. There was a somewhat extended discussion on the comparative merits of this proposal and the one previously presented by Mr. Browne, who declared that what he had introduced "was thought by the greatest men of the Nation to be, if established in our constitution, obtaining a great step toward a general emancipation of slavery" and was much to be preferred to what Mr. Cutler had offered. In his argument Mr. Cutler dwelt upon the binding force of the Ordinance of 1787 and insisted that they had no right to deviate from it. A vote was then taken and Mr. Cutler's provision was adopted by the close margin of five to four. The wording of this proposal, with a slight strengthening modification approved by himself, became a part of Ohio's first constitution. It reads as follows:

"There shall be neither slavery nor involuntary servitude in the state, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, or a female person, arrived at the age of eighteen years, be held to serve any person as servant, under pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration, received or to be received for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter be made and executed out of the state, or, if made in the state where the term of service exceeds one year be of the least validity, except those given in the case of apprenticeships."[3]

Judge Cutler states that after the section had been agreed upon in the committee, a material and damaging change was made in the committee of the whole; that he rose from a sick bed, went to the convention, succeeded in winning over one vote from the opposition, had the "obnoxious matter" stricken out and the section restored to its original form.

It is worthy of note that Judge Cutler claims to have prepared all of that part of article eight "which relates to slavery, religion and schools or education." Mr. Baldwin, he tells us, prepared the section relating to "proceedings at law."[4]

The publication of the "Life and Times of Ephraim Cutler" soon called forth rejoinders from the descendants of prominent anti-federalists of the convention. Controversies frequently exhibit remarkable longevity. They are handed down to succeeding generations.

In 1897 appeared the "Life of Edward Tiffin," a compact and excellent biography that should be read by every one interested in "Ohio's first governor" and the history of his time. In this appreciative sketch of his kinsman, Col. William E. Gilmore takes serious exception to some things published in the memoir of Judge Cutler. The following paragraph illustrates his attitude:

"How the convention handled the subject of negro slavery and dealt with the colored race has, in my opinion, been most grossly misstated in the 'Life and Times of Ephraim Cutler.' It is therein stated, with emphasis, that a large number of delegates—it is more than estimated a majority of them—were eagerly desirous of establishing slavery in Ohio by the constitution. And this misstatement has been followed in that very excellent and learned work, 'The Old Northwest,' by Professor

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[3]The last sentence was added, with Judge Cutler's approval, to the original section presented by him and carried through the committee.

[4]Cutler, Life and Times of Ephraim Cutler, p. 77.

Hinsdale, and indeed by nearly every volume, pamphlet and speech of a date subsequent to 1890, when the 'Life and Times of Ephraim Cutler' was published by his son and daughter."[5]

Colonel Gilmore quotes the statement of Judge Cutler relative to what occurred when the second section of article eight, or the Bill of Rights, was under consideration, and enters this spirited rejoinder:

"What passed in the meetings of the sub-committee was not recorded by the secretary of the convention, of course; but the transaction of the committee of the whole convention and the convention itself were fully recorded, and the official record fails utterly to support the pretense of Mr. Cutler that there was any struggle over the second section of the Bill of Rights; or that Mr. Cutler by his efforts and one vote—first in the sub-committee, then in the committee of the whole, and finally in the convention—saved the State of Ohio from having the curse of negro slavery fastened upon it through the constitution! If Secretary Scott had, extraordinarily, failed to make record of such momentous proceedings, is it likely, or possible even, that the committee who were charged with the duty of examining and correcting the records each day before they reached the printer, would have failed to notice the omission."[6]

Accepting the foregoing statements as true, the conclusion inevitably follows that Mr. Cutler was badly and inexcusably mistaken—not intentionally so, perhaps, but the victim of partisan bias. Before convicting him, however, we must determine if possible some basic facts:

1. Judge Cutler's charge that the anti-federalists or the Virginians wished to authorize slavery in the constitution seems to apply only to those who had opposed him and his friends in the contest for delegates in the Marietta district. "Our opponents," said he, in speaking of the contest there, "openly advocated the admission of slavery." There is evidence that Judge Cutler publicly made this charge in the campaign; what was said in refutation does not seem to be recorded.

2. The statement of Colonel Gilmore that "the transactions of the committee of the whole convention and the convention itself were fully recorded," is refuted by almost every page of the printed Journal of that convention. Almost every one who has read this Journal with a degree of care must have been impressed with its meagerness and obscurity. What became of the manuscript Journal is not known. The only Journal that we have to consider is the printed one, and it is a copy of this to which Colonel Gilmore has referred.

No definite record whatever occurs in the printed Journal to show what was done in "the committee of the whole convention." The Bill of Rights, in regard to which Judge Cutler has left the testimony quoted and to which Colonel Gilmore has entered his sweeping rejoinder, was considered November 12, 1802. Here is the record:

"The convention, according to the order of the day, resolved itself into a committee of the whole convention, on the Bill of Rights, Mr. Worthington in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Worthington reported that the committee had, according to order, had the said Bill of Rights under consideration, and made several amendments thereto, which he delivered at the secretary's table.

"Ordered, That the said Bill of Rights, with the amendments, do lie on the table."[7]

Here we have no intimation of the character of the "several amend-

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[5]Gilmore, Life of Edward Tiffin, pp. 70-71.

[6]Ibid., pp. 72-73.

[7]Journal of the Convention, November 12, 1802. Original copies of the Journal of the Constitutional Convention of 1802 are now very rare. It has been reprinted in full at least three times. It is found in the House Journal of the Ohio General Assembly, Vol. XXV, 1826-27; in the report of the Ohio secretary of state for 1876, pp. 35-74; in the Ohio Archaeological and Historical Society publications, Vol. V, pp. 89-153.

ments" or the attitude of the delegates in regard to them. Sometimes the action in the convention itself is equally indefinite. We have an instance in the next stage of the consideration of this same Bill of Rights. We read from the Journal of November 20:

"The convention proceeded to consider the amendments reported on the twelfth instant, from the committee of the whole convention, to the Bill of Rights, and the same being read, some were agreed to and the others disagreed to."

Here again we have no intimation whatever as to the character of these amendments. We only know that "some were agreed to and others disagreed to."

True it is that amendments in the "convention itself," are sometimes recorded and the yea and nay votes are given. This seems to have been the order when a roll call was had in the "convention itself," but never in "the committee of the whole convention."

The Journal was evidently published at the same time as the constitution—after the close of the convention—and the "committee charged with the duty of examining and correcting the records" was probably a perfunctory affair, like similar committees in constitutional conventions and other legislative bodies of recent date.

The printed Journal of the constitutional convention of 1802 reported definitely some of the things that were done in that deliberative body; it did not report all and its meagerness has left much to doubt, conjecture and the reminiscences of delegates and interested contemporaries.

Certain historians in recent years have declared that there is nothing in the proceedings of the convention to suggest a desire on the part of any delegate, party or faction to sanction the inclusion of a provision for slavery in the constitution and have left the impression that agitation of the question was due to the partisan bias of the Federalists in the Marietta District. While political influences were back of the charge made by Judge Cutler and his political associates, it may with equal truth be said that there is nothing in the journal of the convention to prove that the statements made and published in the memoir left by him are not essentially true. Certain it is that the status of the negro was up frequently for consideration in the convention. The brief and inadequate journal bears ample evidence of that fact. Judge Burnet has been quoted to the effect that one or two hundred resolutions were introduced relating to this subject.

Hon. David Meade Massie, grandson of Nathaniel Massie, in the sketch of the life of his ancestor, bears testimony to the fact that the rights to be accorded to the negro was a disturbing question in the convention. He declares that "the most interesting contest was over he question of negro suffrage." In three brief paragraphs he describes very accurately the attitude of the delegates. Here is what he says of those with southern antecedents:

"This convention was controlled by men from the slave-holding states of Virginia and Kentucky, yet we find them badly divided on this question; Charles Willing Byrd, a Virginian of the Virginians, standing solidly for the right of the negro to vote. On the other hand Messrs. Huntington of Trumbull County and McIntire of Washington County, scions of New England stock, were with Massie and Worthington against negro suffrage.[8]

The proceedings of the convention for the single day of November 22d indicate clearly the attitude of the delegates. The section of the fourth article of the constitution, prescribing the qualifications of electors, was reported for consideration. It limited the right to vote to "white male inhabitants." A motion was made to strike out the word "white," and thus extend, without discriminating restrictions, the right

[8]Massie, Nathaniel Massie, a Pioneer of Ohio, p. 87.

to vote to negroes and mulattoes. The following delegates voted for this amendment:

Messrs. Browne, Cutler, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kitchel, Paul, Putnam, Sargent, Updegraff, Wells and Wilson—14.

The following delegates voted against the amendment:

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Morrow, Reily, Smith, Woods and Worthington.—19.

On the same day a motion was made to amend the same section by the addition of the proviso "that all male negroes and mulattoes now residing in this territory shall be entitled to the right of suffrage if they shall within —— months make a record of their citizenship."

This amendment carried. Those voting for it were:

Messrs. Abbott, Byrd, Cutler, Darlinton, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kitchel, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells and Wilson.—19.

Those voting against it were:

Messrs. Abrams, Baldwin, Bair, Browne, Caldwell, Carpenter, Donalson, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Woods and Worthington.—15.

Having won on this vote the friends of the negro residents of the territory offered as an amendment an additional proviso:

That the male descendants of such negroes and mulattoes as shall be recorded shall be entitled to the same privilege.

This amendment was lost. The following delegates voted in the affirmative:

Messrs. Browne, Byrd, Cutler, Darlinton, Dunlavy, Gilman, Goforth, Grubb, Kitchel, Morrow, Paul, Putnam, Sargent, Updegraff, Wells and Wilson.—16.

The following delegates voted in the negative:

Messrs. Abbott, Abrams, Baldwin, Bair, Caldwell, Carpenter, Donalson, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Reily, Smith, Woods and Worthington.—17.

On November 26th, a motion was made to strike out the proviso adopted November 22d, granting to negroes and mulattoes, residing in the territory and having made a record of their citizenship, the right of suffrage. On this motion the following delegates voted in the affirmative, against the negro:

Messrs. Abrams, Baldwin, Bair, Caldwell, Carpenter, Darlinton, Donalson, Grubb, Humphrey, Huntington, Kirker, McIntire, Massie, Milligan, Smith, Woods and Worthington.—17.

Those who voted in the negative, or favoring the granting of suffrage to the negro inhabitants of the territory, were:

Messrs. Abbott, Browne, Byrd, Cutler, Dunlavy, Gatch, Gilman, Goforth, Kitchel, Morrow, Paul, Putnam, Reily, Sargent, Updegraff, Wells and Wilson.—17.

The vote thus stood seventeen to seventeen. The president of the convention, Edward Tiffin, cast his vote in the affirmative, against granting suffrage to the negro, and the proviso was stricken out. It is said that he did so because he feared that to grant the negro the right of suffrage would encourage free negroes to come into the new state.

A comparison of the vote for and against this proviso on November 22d and 26th shows the following changes: Browne changed his vote and on the latter date supported suffrage for resident negroes and mulattoes; Darlinton, Grubb and Smith changed their votes and went on record against this extension of suffrage. The former vote of nineteen to fifteen in favor of the proviso was thus changed to the tie vote of seventeen to seventeen. Why the delegates thus changed their attitudes on this question is not a matter of record.

David Meade Massie is right in his statement that the Virginians were badly divided on the question of negro suffrage. The delegates

with New England antecedents were likewise divided. If Huntington and McIntire had followed the leadership of Cutler and Putnam their votes would have materially changed the status of the negro in the first constitution of Ohio.

While there is nothing in the journal of the convention to disprove the statements left by Judge Cutler in regard to the attitude of delegates toward the negro, his persistent effort to establish the impression that, after all, Thomas Jefferson was in favor of slavery and its extension to the Northwest Territory is not well founded. What Jefferson thought of slavery in the Western Territory is perhaps fairly expressed in the article of compact in his resolutions of 1784, which provided for abolition after 1800; and while he may have still clung to the belief in 1802 that a further postponement should be made until a more general plan of emancipation could be put into force, there is no evidence that at the time of the adoption of Ohio's first constitution he had changed his attitude toward the "peculiar institution" of the South. In 1801 he republished his Notes on the State of Virginia, including the chapter on slavery. As an early abolition document from an American slaveholder it has no parallel. It is to be compared only with the later declarations of Abraham Lincoln and some of the letters of John Brown from the jail at Charlestown before his execution. It is suggestive of the spirit of the times that this public arraignment of slavery by Jefferson was made without any loss of his prestige and popularity in the commonwealth of Virginia. It would seem that the citizens of the Old Dominion, or a goodly portion of them, then looked forward to the gradual extinction of a system so out of harmony with the Declaration of Independence.

If further evidence of Jefferson's attitude toward that institution and its extension to the states formed out of the Northwest Territory, is desired, it may be found in the published correspondence and the diary of Rev. James Lemen, Sr., a pioneer of Illinois, who received financial aid and encouragement from Jefferson to organize anti-slavery societies in Illinois to keep that territory free until it should be admitted as a state into the Union.[9]

But to return for a moment to the work of the convention that framed the first constitution for Ohio: On the whole the colored race received encouraging consideration. It fared better than in the convention held almost half a century later. Cutler and his friends preserved and safeguarded the freedom vouchsafed by the Ordinance of 1787, but they did not secure for the negro the right of suffrage or immunity against future discrimination. Before the two terms for which Edward Tiffin was elected governor had expired, the General Assembly had commenced the enactment of the so-called "Black Laws," still further depriving the colored race of the rights of citizenship.

"First Fugitive Slave Case of Record in Ohio"

This is the carefully worded title of a paper by William Henry Smith, published in the Report of the American Historical Association for the year 1893. We have seen that the sixth article of compact in the Ordinance of 1787, in rather mild language, but adequate to its purpose, contained a proviso that any person escaping into the Northwest Territory, "from whom labor or service is lawfully claimed * * * may be lawfully reclaimed and conveyed to the person claiming his or her labor or service." The Constitution of the United States, framed a little later, in the clause relating to such persons, declared in stronger terms that they "shall be delivered, upon claim of the party to whom such service or labor may be due."

The Fugitive Slave Law of 1793, for the enforcement of the con-

[9]MacNaul, Williard C., The Jefferson-Lemen Compact, p. 26.

stitutional mandate, authorized a simple and summary procedure for the return of escaping servants. It provided that the person to whom the service was due, his agent or attorney, might seize the fugitive and take him before any United States judge or any magistrate of any city, town or county in which the arrest was made; and the magistrate was authorized without the form of a trial to remand the fugitive back to slavery. The Fugitive Slave Law, embraced in the compromise measures of 1850, as we shall see later, was even more specific and rigorous.

Slavery, as frequently noted by writers, in the early history of the republic, was not so much a sectional question as it became later. There was much sentiment in the South, as attested by the testimony against it even by eminent slave holders, who expressed themselves not so publicly, perhaps, as Thomas Jefferson in his Notes on the State of Virginia, but to the same effect. The fact that Jefferson could so publicly and emphatically express his views in favor of abolition without loss of popularity in the South at the beginning of the last century is significant, as is the widely different but related fact that a few years later Tennessee contested with Ohio for the honor of having published the first anti-slavery newspaper in America.

When Ohio was admitted into the Union, slave property was less valuable than it afterward became and the domestic traffic in it had not been plied with the shameless avidity and effrontery of succeeding years. The attitude of the Government toward the "peculiar institution" was apologetic. Slavery was generally admitted to be out of harmony with the "universal liberty" proclaimed by the Revolutionary fathers.

It is rather singular, however, that there should have been no fugitive slave case of record in Ohio prior to the year 1808. Mr. Smith's subject limits his paper to the State of Ohio, but inasmuch as he says nothing about cases under the Ordinance of 1787, we may assume that he knew of no such case, at least of none in that portion of the territory now embraced within the State of Ohio. With frequent advertisement in the early newspapers of the state for the return of fugitive slaves and the less frequent offer of reward for their return in the Centinel of the Northwestern Territory one is surprised that there should have been so little litigation of record.

The case presented by Mr. Smith developed when Samuel Huntington was governor of Ohio.

Jane, a slave of Joseph Tomlinson, of Charlestown (now Wellsburg), Brooke County, Virginia, was tried in court on the charge of stealing goods "exceeding in value $4" and found guilty. For this offense she was sentenced under the laws of Virginia to "be hanged by the neck until she is dead." The court in rendering this verdict fixed the value of the slave at $350, which by law was paid to the owner and disposed, of course, of any further claim that he might have on this human chattel.

The papers in the case were then sent to the governor of Virginia, who reviewed them returned them to the court in which the case was tried and "advised that John Connell, clerk of said court, be appointed agent to dispose of the said slave for the best price he can obtain and take bonds from the purchaser for the amount of sale and for carrying her out of the United States agreeable to law."

According to the laws of Virginia then in force, the governor with the advice of his council could contract with any person for the sale or purchase of slaves under sentence of death. To afford time for this thirty days must intervene before executing the decree of the court.

The sympathy of the people of Charlestown seems to have been with the slave Jane, who was lodged in jail awaiting execution or sale under the order of the governor, "such sale amounting to a reprieve from the sentence of death."

Before word was received from the governor in this particular case, the doors of the jail were left open November 9, 1808, and the

slave prisoner walked out. She remained in that town for a short time with the full knowledge of officers and citizens and no attempt was made to take her into custody. She then crossed the river and found employment with a family in Marietta. The governor of Virginia doubtless heard that the slave had escaped. Her owner had received pay for her. The conscience of the jailer and the village in which she had lived was satisfied and there we might naturally expect this case to end.

But in the course of nature something occurred in the pioneer Town of Marietta that made this fugitive more valuable. She married a free colored man and a child was born. Both were subject to the claim of the slave State of Virginia, or rather to the cupidity of any citizen of that commonwealth who might have knowledge of the location of the fugitive and her child and the legal process by which both might be acquired.

A Virginian by the name of Jacob Beeson, who had been advised of the refuge of the slave Jane and her increased value, appeared in Marietta armed with legal papers including a requisition from John Tyler, governor of Virginia, for the surrender of the slave. He found her in the employ of Abner Lord, who protested against her return to Virginia, and in this attitude he was supported by a number of the most prominent men of Marietta, including Samuel Hildreth, Rufus Putnam, Benjamin Ruggles and John Brough (father of Governor John Brough).

Much displeased, Jacob Beeson returned to Virginia empty handed and wrote a letter to Governor Samuel Huntington of Ohio, enclosing the requisition from the governor of Virginia, in which he wrote, among other things:

"Governor Tyler did suppose that the citizens of Marietta would have sufficient respect for the rights of this Old Dominion, and that they would have delivered up its slave without your interposition. But I lament that we have been disappointed, for immediately upon my application to a justice of the peace for the delivery of the slave, she was secreted and put out of reach of such officer.

"It is with great concern that the people of Virginia (who reside on its western extremity) look forward to the evils which will grow out of this course of conduct pursued by the people of your state residing on and near the Ohio. The idea of emancipation is propagated, and that such will fire the breast of every slave no one will doubt."

It appears that Governor Huntington did not honor the requisition, on the ground that the Fugitive Slave Law of 1793 did not require a governor to participate directly in the return of fugitive slaves. A petition from leading citizens of Marietta probably helped the governor to this conclusion.

Persistent Jacob Beeson, however, was not to be thwarted or diverted from his purpose to get possession of the fugitive, and two months later, April 26, 1810, Governor Tyler sent to Governor Huntington a requisition, not "to cause the said slave to be arrested and delivered up to Jacob Beeson," but to cause the said slave to be delivered up to Jacob Beeson "as a fugitive from justice."

Governor Huntington held that this demand left small discretion to him and that he was in duty bound to honor the requisition. He therefore directed the arrest of the negro Jane, who was delivered to Jacob Beeson, the agent of the State of Virginia.

The agent having returned in triumph with the fugitive and her child to the soil of the "Old Dominion," made a report of his success to Governor Tyler who was duly authorized by his council of state to pardon the negro Jane of her crime of purloining goods valued at "more than $4," and to direct the public or private sale of "said slave for the best price he can obtain" by the "said Jacob Beeson."

Thus ended the case, and the persistent and politically influential Jacob, as a reward of his perseverance, had the disposal of this slave

property at the best price he could get "either by private or public sale." disappeared in the Cimmerian darkness of slavery."

In the month of June, 1910, we are told that "Jane and her child disappeared in the Cimmerean darkness of slavery."

Early Anti-Slavery Newspapers

A study of the early anti-slavery movement in Ohio at this late day occasions some surprises. It seems that the first participants came from the South, a number arriving before the state was admitted into the Union. The Ordinance of 1787 prohibited slavery in the Northwest Territory. The states carved out of it were thus, from the beginning dedicated to freedom. While the ordinance contained a provision for the return of slaves to their masters in other states, this did not prevent the free soil north of the Ohio River from becoming a haven and a refuge for slaves seeking freedom from bondage or masters convicted by conscience.

As early as 1796, William Dunlop left Fayette County, Kentucky, and settled in Brown County, Ohio (then in the Northwest Territory). He brought a large number of slaves with him, set them free and "established them on land about Ripley." Others did likewise. Among the number was Dr. Alexander Campbell, who came from Kentucky in 1803, liberated his slaves, advocated immediate abolition, served in the Legislature of Ohio, represented the state in the United States Senate, and in 1835 stood at the head of the list of vice presidents of the Ohio Anti-Slavery Society. Thomas Morris, member of the Legislature, judge and United States Senator, came from Virginia to what is now Ohio in 1795 and resided in Clermont County from 1800 till his death in 1844. Though not a slave holder, like many other men from the Southern states he came to free territory in order that he might entertain and freely express his opposition to slavery. Thomas Kirker, member of the Constitutional Convention of 1802, of the General Assembly of Ohio, and acting governor of the state, it is said, came to the state from Kentucky because of his opposition to slavery. In the constitutional convention he did not manifest any especial sympathy for the negro, voting usually with those who limited his rights to a minimum. Possibly Governor Kirker left the South to escape the negro as well as slavery. A comparatively large number of ministers of the Gospel, chiefly of the Presbyterian and Baptist faith, came early from the slave states to counties on the southern border of Ohio in order that they might freely bear testimony against the "peculiar system of the South."

Pre-eminent among the anti-slavery advocates from the South was James G. Birney, born in Kentucky, February 4, 1792, a graduate of Princeton, a scholar and an eminent lawyer, who manumitted his slaves, became the candidate of the liberty party for President in 1840 and again in 1844. His son, Gen. William Birney, in his biography of his father, "James G. Birney and His Times," dwells upon the contribution of the South to anti-slavery leadership and gives illuminating information upon the early movement in Ohio. His purpose, as he freely admits, is to show that undue credit has been given to William Lloyd Garrison for the overthrow of the slave power in the United States. This lays his book open to the charge of ex parte testimony; but for all that it reveals the fact that much of the early opposition to slavery on Ohio soil was of Southern origin, transported across the Ohio River from the land of bondage.

The Quaker testimony against the institution of slavery is too well known to call for extended notice. The Society of Friends were among the earliest settlers of Ohio and wherever they made their home their anti-slavery views found expression. They came in large numbers to Eastern Ohio early in the last century and settled in the counties of Belmont, Jefferson and Columbiana. They were among the pioneers of

other counties as well. On September 12, 1817, Charles Osborn, a Quaker preacher from Tennessee, published the first issue of the Philanthropist at Mount Pleasant, Jefferson County, Ohio, the first anti-slavery paper published in America.[1] The second issue of this paper, bearing date, "ninth month 19th 1817" has recently come into the possession of the Ohio State Archaeological and Historical Society. This is the earliest issue known to be in existence. While this paper was at first mildly anti-slavery and strongly religious and moral, the editor gradually warmed up in his advocacy of abolition. He had previously been active in the organization of the Tennessee Manumission Society, which proclaimed the doctrine of immediate emancipation. Benjamin Lundy, from the first issue, was an agent for the Philanthropist and had arranged to join Osborn in the enterprise, when the latter became discouraged and sold his paper to Elisha Bates in October, 1818.

Of the character of the first anti-slavery paper in America, George W. Julian says:

Its anti-slavery character is quite as clearly defined and as uncompromising in tone as Lundy's Genius or Birney's Philanthropist. It was just such a paper as Elijah P. Lovejoy was murdered for publishing."[2]

Much space is given in the Philanthropist to a consideration of the comparative merit of abolition and colonization. It was about this time that the organization of colonization societies had commenced in the United States. He published the views of the advocates of both methods of eliminating the evils of the system, but left no room to doubt his preference for emancipation. His views are also reflected in contributed letters and quoted matter. Among the former is a communication signed "Philo Justitia," which was written by Benjamin Lundy.

The paper was a small four-page sheet, seven and one-half inches wide and nine and one-half inches long. The circulation of the Philanthropist was comparatively small, but it was thoroughly read, a single copy reaching many persons in a neighborhood. Osborn was in advance of his time and too radical against slavery for the Quaker Church even, many members of which preferred colonization as the solution of the slavery problem.

Under the editorship of Elisha Bates, the principles proclaimed by Osborn and Lundy were advocated, but more mildly. For this reason the paper was not popular with previous subscribers. With the issue of April 20, 1822, the Philanthropist suspended, never to resume publication.

THE PHILANTHROPIST

Published Weekly

By Charles Osborn.

MOUNT PLEASANT,—OHIO

SIXTH-DAY, NINTH MONTH 19th.

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[1]Some confusion has resulted from the claim by Oliver P. Temple, in his East Tennessee and the Civil War, that the first "out-and-out" emancipation paper was published at Jonesborough in East Tennessee in the year 1819. The name of this paper was Manumission Intelligence. It may be true that the paper published there was more radical than the early issues of the Philanthropist, but that in no way disproves the claim that the latter was the first anti-slavery newspaper published in America.

[2]Julian, George W., Charles Osborn in Indiana Historical Society Publications, Vol. II, pp. 232-267.

AGENTS FOR THE PHILANTHROPIST.

The following persons will please receive monies and subscriptions for the Philanthropist.

OHIO.

Smithfield—Wm. Blackstone.
Flushing—Amos Garretson.
Belmont—Joseph Wright.
Zanesville—Jesse Gause.
St. Clairsville—Benjamin Lundy.
Barnesville—Camm Thomas.
New-Lisbon—Benjamin Hanna.
Fairfield—William Heald.
Salem—John Street.
Richmond—A. Farquahar.
Cincinnati—Jesse Embree.

THE PHILANTHROPIST

The above is a facsimile of the head of the editorial column of the second issue (Vol. I, No. 2, September 19, 1817). The original is in the library of the Ohio State Archæological and Historical Society.

Benjamin Lundy was the pioneer anti-slavery leader in America; Benjamin Hanna was the grandfather of Senator Marcus A. Hanna.

In July, 1821, appeared the first issue of the Genius of Universal Emancipation. It was published in Mount Pleasant in the office of the Philanthropist. The seven monthly numbers following were printed in Steubenville, Ohio. Lundy walked from Mount Pleasant for the papers, twenty miles distant, and carried them back from the printing office. His devotion to the anti-slavery cause was absolute. He was frail of body and his educational advantages had been limited, but his industry was unfailing and his will indomitable.

He was born in Hardwick, Warren County, New Jersey, January 4, 1789. His parents were Quakers, and he grew up to young manhood in that faith. At the age of nineteen years he moved to Wheeling, Virginia (now West Virginia), where he lived for four years and learned the trade of saddler. While there he was impressed with the wrongs of slavery. He crossed the Ohio River each week to attend church at Mount Pleasant. He frequently saw slaves in chains as they passed on their way to Kentucky and Missouri to meet the increasing demand for slave labor in the expanding settlements of the West. The effect of the harrowing spectacles that he witnessed is described in his own words:

"My heart was deeply grieved at the gross abomination; I heard the wail of the captive; I felt his pang of distress, and the iron entered my soul."

He moved to Mount Pleasant, Ohio, and later to St. Clairsville, Belmont County, in that state. While at the latter place in 1815, he organized an anti-slavery association called "The Union Humane Society," which soon had a membership of 500.

In his address to "Philanthropists" signed "Philo Justicia," published in 1816, he gave expression to the resolution with which he entered upon his life work:

"I have had this subject long in contemplation and I have now taken it up, fully determined, for one, never to lay it down while I breathe or until the end shall be attained."

Later he contributed to the Philanthropist and was from its first

issue listed as one of its agents. In 1819 he moved to St. Louis when the question of the admission of Missouri as a slave state was one of the great issues of the time, and entered with enthusiasm into the campaign to exclude slavery from that state. From the beginning his efforts were doomed to failure so far as the admission of the new state was concerned, but the influence of the campaign that he carried on by speeches and through the newspapers survived the issue that called them forth.

He returned to Mount Pleasant after he had spent the small earnings that he had accumulated through years of frugality. Elihu Embree, who had been publishing the Emancipator in Greenville, Tennessee, died about the time that Lundy returned from St. Louis, and this helped him to determine upon the publication of the Genius of Universal Emancipation to take the place of the Emancipator, which was a pronounced anti-slavery paper. Later he took over Embree's printing plant and issued the ninth number of the Genius from Greenville, Tennessee. Here he literally produced his own paper, writing the editorials, editing the news, setting the type and doing the press work. In 1824 he moved the paper to Baltimore and issued it as a weekly. In the latter part of 1825 he visited Hayti to make arrangements with the government there for the settlement of emancipated slaves. Three years later he lectured through the Eastern states and formed the acquaintance of William Lloyd Garrison, with whom he afterward became associated in editing the Genius. In the winter of 1828-1829 he was assaulted, because of an article he had published in his paper, by Austin Woolfolk, a slave dealer. Woolfolk seems to have escaped the clutches of the law, but Lundy was censured by the court and compelled to leave the city. He first went to Washington and then to Philadelphia, continuing to publish his paper, but changing the name to the National Inquirer and later to the Pennsylvania Freeman.

In 1829 he went a second time to Hayti, taking with him several slaves that had been emancipated for that purpose. In 1830 he visited the Wilberforce colony of fugitive slaves in Canada, and then went to Texas to provide a similar colony under the Mexican flag. He visited the latter place in 1833, but the movement for the annexation of Texas to the United States brought an end to his enterprise in this section. He finally moved to La Salle County, Illinois, intending to renew the publication of the Genius there, but was prevented by death, which ended his labors August 22, 1839.

After Lundy left Ohio, and the Philanthropist, published at Mt. Pleasant, suspended, for a period there was no anti-slavery paper published within the state. There were papers, not especially devoted to the cause, with editors holding anti-slavery views and expressing these occasionally in mild and guarded form; but for a few years there was no paper devoted chiefly to the advocacy of abolition.

On March 15, 1832, John Frost published the first issue of the Aurora in New Lisbon, Ohio. In his salutatory[3] he announced that the paper would be non-partisan and opposed to Masonry. He said nothing about slavery. The paper was a four-page, twenty-column sheet of which about nineteen columns were made up of clippings from other papers. One of these extracts dwelt upon the evils resulting from the use of intoxicating liquor. Later this paper became a temperance organ and a vigorous opponent of slavery. It published proceedings of anti-slavery meetings, addresses and communications that otherwise would not have reached the people and become matters of permanent record. Eastern Ohio, where the first anti-slavery paper was published, was a section of rapidly growing anti-slavery sentiment, and the publication in the Aurora of local matter relating to the progress of the movement is a valuable contribution to its history. While the first issue

[3]For this salutatory see Ohio Archaeological and Historical Publications, Vol. XXX, pp. 393-395.

of this paper contained practically no original matter except the salutatory, the columns were gradually devoted more and more to local news, editorials and contributions. Files of the Aurora are still in existence, but only a few of the earlier issues have been preserved. It was published continuously till the year 1856. The first issue of the Anti-Slavery Bugle was published at New Lisbon, as we shall see presently, in the office of the Aurora.

The year 1835 is an important one in the anti-slavery calendar of Ohio. Early in the year previous occurred the anti-slavery upheaval in Lane Theological Seminary and Cincinnati. A colonization society[4] had been organized there with the sanction of the faculty and the evident approval of the patrons of the seminary. The organization of the American Anti-Slavery Society and the progress of sentiment favorable to immediate emancipation influenced the young candidates for the ministry to form an abolition society. Practically the entire student body was drawn into the movement, including the sons of slave holders and others from the South who had been reared under pro-slavery influences. Dr. Lyman Beecher, the eminent divine, father of Henry Ward Beecher and Harriet Beecher Stowe, was at that time president of the institution. In his absence the trustees passed resolutions suppressing the colonization society and the abolition society in the seminary. The young divinity students refused to submit. They were soon afterward presented the alternative of giving up the society or leaving the institution. About 70 of the 110 students withdrew. Professor Morgan, a member of the faculty, was dismissed without any reason assigned, though it was well understood that his anti-slavery opinions had caused him to lose his position. James Ludlow, a wealthy gentleman, "gave the students use of a building near Cincinnati, where they continued their studies for five months." In May, 1835, many of the students who had left Lane Seminary entered Oberlin College at the founding of the theological department in that institution.

The advent of James G. Birney in Cincinnati and his part in the anti-salvery movement of Ohio are matters of prime importance. Birney was a man of distinguished family, inherited a substantial fortune, was a typical Southerner by birth and training, was graduated in 1810 from Princeton University, was later admitted to the bar and entered upon the practice of law in his native state, Kentucky.

In 1816 he married a daughter of Judge William McDowell of the United States Circuit Court. In the same year he was elected to the Legislature of Kentucky. In 1818 he moved to Alabama, bought a cotton plantation near Huntsville and served in the first Legislature organized in that state under the Constitution of 1819. Here as in the Legislature of Kentucky he won recognition as an industrious and able member, but brought an end to all hope for further preferment by speaking and voting against a resolution endorsing Gen. Andrew Jackson for the Presidency. This was a few years after the general had won his signal victory at New Orleans. Birney was not moved to this action by personal hostility. He regarded Jackson as a "headstrong and violent man," a duelist, a violator of law, and the author of "brutal deeds" which unfitted him for the high office of President. Birney afterwards sold his plantation, returned to Huntsville, and the practice of the law in which he was remarkably successful. He became actively interested in the American Colonization Society, succeeded in having

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[4]The colonization society, which had extensive branches throughout the country, advocated the establishment of colonies outside of the United States to which negroes could be transported when they gained their freedom. It was believed by many prominent men that such a plan would gradually emancipate the slave. It was thought that masters would be encouraged to liberate their slaves if such provision could be made for them. There was in the early half of the last century much opposition to the presence of free negroes in the slave states.

laws passed prohibiting the importation of slaves into Alabama "for sale or hire," and was repeatedly elected mayor of Huntsville.

He took an active interest in education, and at the request of the trustees of the State University of Alabama he selected and recommended the members of the first faculty of that institution. He also aided prominently in the establishment of a female seminary in Huntsville.

For a time he was a supporter of Henry Clay, with whom he maintained friendly personal relations. Later, after an interview with Clay, he decided to support him no longer, feeling that no substantial help could be gotten from that source for the emancipation of slaves. At this time, Birney, who had become a moderate abolitionist, hoped to see Virginia and Kentucky abolish slavery and thus limit its extension to the North and West.

In June, 1834, he set free his own slaves and severed connection with the Colonization Society. He thought at first of publishing an anti-slavery paper in Kentucky, but found the opposition to such a movement so strong that he abandoned it. Despairing finally of being able to turn the tide against slavery in his native state he decided to move north. He visited Cincinnati in August, 1835, for the purpose of establishing an anti-slavery newspaper there. Scarcely had he reached the city when there were manifestations of opposition to his project.

Southern papers, especially those of Kentucky, viewed with alarm the proposed publication of an anti-slavery paper in the free State of Ohio just beyond their northern border. The slave holders of Limestone County, Alabama, denounced Birney, forbade the circulation of "any seditious publication of any kind whatever,"[5] organized a vigilance committee and directed that any person found guilty of this offense should be punished by death.

In the meantime Birney had established his family in Cincinnati and was preparing to publish his paper. Before he had issued the first number, the papers of the city, with the single exception of the Gazette, were teeming with protests, threats and denunciation. "Send them ('the incendiary publications') back to the place from whence they came," said one editor, "and if any of their authors or the agents of them should be found here, lynch them." In fact, every local paper in Cincinnati, with the exception mentioned, was either directly or indirectly encouraging the lawlessness that later disgraced the city.

Birney finally concluded not to publish the early issues of his paper in Cincinnati. He chose New Richmond, Ohio, as the place from which to launch the enterprise. The first issue bore the date of January 1, 1836. It was named the Philanthropist in honor of the anti-slavery paper published by Charles Osborn at Mount Pleasant, 1817-1818. The first issue was edited with great care. It was free from abuse and intolerance and appealed to the reason and conscience of the slaveholder and his friends. It nevertheless was a staunch opponent of slavery and a fearless advocate of immediate emancipation. The editor declared that "liberty and slavery can not live long in juxtaposition," expressing the thought contained in Lincoln's famous announcement years afterward that "a house divided against itself can not stand." He drew attention to the aggressive spirit of slavery, "pushing its victories and extending its conquest," and warned the people that the liberties of the free states were in imminent danger.

He sought the abolition of slavery under the constitution by constitutional methods, and dwelt upon the fact that it was opposed to the spirit of the constitution and the Declaration of Independence—a menace to the whole country, the South as well as the North.

His bold but respectfully worded editorials aroused the wrath of

[5]Ohio Archæological and Historical Publications, Vol. XX, pp. 270-271.

the slaveholders south of the Ohio and their sympathizers north of it. There was soon talk of a mob in Cincinnati to drive the "seditious fanatic" out of the community. The Whig of Cincinnati, in commenting upon Birney's proposal to publish an anti-slavery paper in New Richmond had declared on December 21, 1835:

"We deem this new effort an insult to our slaveholding neighbors and an attempt to brow beat public opinion in this quarter. We do, therefore, hope, notwithstanding the alleged respectability of the editor, that he will find the public so inexorably averse to his mad scheme that he will deem it his interest to abandon it."

The mayor of the city gave Mr. Birney to understand that he must not expect protection if he persisted in his course. The Philanthropist had not been published at this time in Cincinnati but it circulated freely there and Birney was a resident of the city. While it could not be claimed that he had abused the freedom of the press the cause that he was advocating made him obnoxious to powerful elements in Cincinnati.

The opposition to the publication of his paper was due principally to two considerations: (1) It would interfere with business; wealthy slaveholders would cease to patronize Cincinnati if the circulation of such a paper were permitted there. (2) It would create insubordination among slaves, encourage them to resist their masters and make more frequent efforts to escape by the "Underground Railroad" to Canada; it would encourage servile insurrection, the thought of which was a terror not only to slaveholders but to the white population on both sides of the river.

The prospect of an uprising among the negroes was a powerful argument with the laboring men in Cincinnati and helped to keep them in line with the politicians and business men against the anti-slavery movement. They did not seem to awaken to the fact that they were doomed to low wages in competition with the slave labor of the South.

In Cincinnati the encouragement of the newspapers, the city officials and prominent citizens who had business interests at stake gradually worked up the mob spirit to fever heat. An evening was appointed for an indignation meeting at the courthouse. Hand bills were circulated, the workshops were visited and a large attendance at the meeting was assured. The neighboring towns and villages across the river were invited to send delegations and responded in large numbers. Preliminary conferences were held and the program for the evening of January 22d was carefully mapped out. The friends of Birney were greatly concerned at the threatening attitude of the assembling hosts as the evening approached. Some of them called at his home and urged him to accompany them to the country until the storm should blow over. He courteously declined. His wife and son appealed to him to remain at home that evening. He answered quietly but firmly that he would attend the meeting. His son, a youth of seventeen years, accompanied his father as he left home.

In the meantime a great crowd had assembled at the courthouse. Feeling ran high and violent speeches were made. The mayor of the city presided. A committee was appointed to prepare and report resolutions. This was a mere formality as the resolutions had already been prepared. While the committee was ostensibly attending to this duty, Colonel Hale, a liveryman, was regaling the assembly with a violent and inflammatory speech. He denounced the "miscreant Birney" for making "Cincinnati the place of his intrigues to overthrow the constitution and plunge the South into the blood-reeking massacres of a servile insurrection." The turbulent assembly cheered him to the echo and at the conclusion of his harangue were ready for the riotous work that had been planned.

At this moment a clear voice called out, "Mr. President, my name is Birney. May I be heard?"

The crowd for the moment was silenced at this audacity.

"My personal character and my cause have been unjustly attacked," said Birney. "May I defend them?"

The president's answer was lost in the clamor and tumult that followed. There were cries of "Kill him," "Down with him," "Drag him out," "Tar and feather him," and milder calls of "Hear him."

The liveryman who had been making the violent speech and others in the crowd tried to force their way toward Birney, but a more general shout went up, "Fair play."

In the midst of the confusion, Surveyor-General Robert T. Lytle, chairman of the committee on resolutions to rid the city of the presence of Birney, sprang forward and from the judges bench demanded silence. He was one of the instigators of the meeting and the tumult ceased.

"My friends," said he, "hear before you strike. Don't disgrace our city and our cause before the nation. I oppose abolitionism, but I honor a brave man; and Mr. Birney has tonight shown himself the bravest man I have ever seen." He then respectfully requested Mr. Birney to wait until the resolutions were read.

After the conclusion of the reading of the resolutions Mr. Birney held the attention of the audience for three-quarters of an hour. He was a ready and forceful speaker and made the most of this unusual opportunity. He stated clearly his attitude toward the constitution and declared that he sought to accomplish emancipation under its authority. He assured the audience that "he was not indifferent to the safety of his fellow citizens in the South. He was from the South. He was born in the South. He had spent his life there. He had numerous beloved kindred who held slaves. To their safety he was not indifferent, and he certainly should pursue no course which he thought likely to put them in peril. He considered that the ultimate safety of the South was more in danger from perpetual slavery than from abolition."[6] He spoke of the rapid increase of the colored population in the South and declared that emancipation was the way to safety from the dangers of a servile insurrection. He concluded by courteously thanking the audience and the officers of the meeting for the opportunity to present his views, and the assembly that had gathered to drive him from the city dispersed without any effort to injure him. He had won a great personal victory, but the end was not yet.

A little later the editor of the Philanthropist announced that after March the paper would be published in Cincinnati. A centrally located office, at the northeast corner of Main and Seventh streets, was fitted up and the paper was regularly issued for more than three months without molestation. Those who were the prime movers in the organization of the riotous meeting of January, however, had not abandoned their resolution to get rid of the anti-slavery paper and its editor. Having failed in the first effort they determined to accomplish their purpose by a slight change in plan.

This time they avoided publicity. There was no public announcement of a meeting. A comparatively small band of picked and determined men, including a few from Covington, Kentucky, and a number of salveholders temporarily the guests of hotels in the city, numbering all told about forty, at midnight on July 12th, entered the pressroom from the roof, pied the type, emptied the ink, carried away parts of the press and destroyed a large number of copies of an issue of the Philanthropist that had not been mailed. While this occurred shortly after midnight, an uproar attended the riotous work and the police made no effort to interfere.

On the morning of the 14th, hand bills were circulated through the city warning all abolitionists to beware and threatening any who should attempt to reestablish their press. Inflammatory editorials were published in some of the local papers. Mr. Birney was out of the city the

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[6]Cincinnati Gazette, January 23, 1836.

night of the raid on the office of his paper. By hard work the printers succeeded in issuing the Philanthropist at the usual hour on the 15th. The editor and some of his friends called on the mayor of the city who promised to issue a proclamation in the interest of peace and order. The proclamation that appeared the day following is so characteristic of the indisposition at that time to afford any adequate protection that it is here reproduced in part. The following paragraph is significant:

"And I do earnestly entreat those persons whose proceedings it is alleged, have prompted to the commission of the riot complained of, as they value the quiet of the city, to abstain from the further prosecution of such measures as may have a tendency to inflame the public mind and lead to acts of violence and disorder, in contempt of the laws and disgraceful to the city."

This naturally did not discourage the instigators of the mob that had made a successful start but had not yet suppressed the Philanthropist. The executive committee of the local anti-slavery society issued an address to the people of Cincinnati, closing with this paragraph:

"We have now in some degree, from the force of circumstances, committed to our custody the rights of every free man in Ohio, of their offspring, of our own. Shall we as cravens voluntarily offer them up sacrifices to the spirit of misrule and oppression, or as American citizens contend for them till a force which we can not withstand shall wrest them from our hands? The latter part of the alternative we have embraced with a full determination by the help of God to maintain unimpaired the freedom of speech and the liberty of the press, the palladium of our rights."

This declaration was regarded by the pro-slavery element of Cincinnati as a defiant resolution to resist opposition by force. The three partisan papers—the Republican, the Post, and the Whig, the first two democratic and the second advocating the party whose name it bore—in almost daily editorials denounced the Philanthropist and its editor and encouraged once more the mob spirit to drive both from the city. The Gazette, which was strictly neutral, remained silent editorially. The democratic politicians were playing a shrewd political game in forcing the opposing party to join hands with them in violent opposition to the abolitionists, whose ranks at this time were recruited chiefly from the whig party, although the majority of that party in Cincinnati were pro-slavery in sympathy. The whig politicians took the pro-slavery horn of the dilemma, and their organ suggested "dangling from a bough" and "tar and feathers" for Birney and his associates.

A meeting at the Lower Market House was called for the evening of July 23d, and a committee of forty-two prominent and respectable citizens was designated to prepare and report resolutions. In spite of efforts to drum up a large attendance at the meeting, the crowd that assembled was smaller than at the January meeting in the courthouse. About 1,000 persons all told were present, but the prominent business men who were expected to take a leading part were not there. The meeting was therefore officered by the politicians who were chiefly instrumental in promoting it. The democratic postmaster of the city presided and a goodly number of whig candidates for office filled the minor positions. Resolutions were passed pledging the meeting to "use all lawful means to discountenance and suppress every publication in the city which advocates the modern doctrines of abolitionism." The actual suppression was postponed, however, and a committee of twelve prominent citizens was appointed to "wait upon James G. Birney and his associates," "to remonstrate with him" and persuade him, if possible, to eliminate himself and his paper from the city. It was generally understood that he would not do this, and the appointment of the committee was simply a device to prepare the way for the events that followed. Two members of the committee refused to serve. The most

prominent man that remained and acted in this capacity was the venerable Judge Jacob Burnet.

Mr. Birney, as was anticipated, refused to surrender his rights, vouchsafed by the constitution and the laws, to continue the publication of his paper; and the committee of ten announced the failure of their mission and closed their report as follows:

"They [the committee] owe it to themselves and those whom they represent to express the utmost abhorrence of every thing like violence; and earnestly to implore their fellow citizens to abstain therefrom."

While Gen. William Birney, the son of James Birney, in after years declared that these lines were added to the report "with the conventional hypocrisy of the mobocrats of the period," this judgment is doubtless too harsh for some members of the committee. It is reasonable to assume that these lines were included at the request of Judge Burnet and Nicholas Longworth, who reluctantly served on the committee with a sincere desire to find a peaceful solution of the controversy disturbing the city.

It is certain, however, that the report of the committee did not have a mollifying effect on the mob that was brewing. The partisan local papers printed it on Saturday, July 30th. The Gazette refused to publish it until the following Monday. Probably it did not wish to be in any way responsible for the riotous proceedings that were taking organized form.

On the day preceding, representatives of the local Anti-Slavery Society went to the mayor and offered their services as special policemen. He refused to act on this suggestion. Mr. Birney was not a non-resident, and he had in his home firearms and ammunition, which he would not have hesitated to use in self defense. The printing press and type of the office of the Philanthropist, however, belonged to a Mr. Pugh, a Quaker, who would not permit firearms to be used to protect his property.

At six o'clock on the evening of the 30th, resolutions were adopted by the mob demanding that the press of the Philanthropist should be destroyed and the type scattered along the street; that Mr. Birney should be notified to leave the city in twenty-four hours. The mob then proceeded with its work. The number of persons actually engaged was comparatively small, according to one estimate not to exceed fifty. On the following Monday, August 1st, the Gazette contained the following account of the destruction of the anti-slavery printing office and the riotous proceedings that followed. Here is the account:

Destruction of Property

On Saturday night, July 30th, very soon after dark, a concourse of citizens assembled at the corner of Main and Seventh streets in this city, and, upon a short consultation, broke open the printing office of the Philanthropist, the abolition paper, scattered the type into the streets, tore down the presses, and completely dismantled the office. It was owned by A. Pugh, a peaceable and orderly printer, who published the Philanthropist for the Anti-Slavery Society of Ohio. From the printing office, the crowd went to the house of A. Pugh, where they supposed there were other printing materials, but found none nor offered any violence. Then to Messrs. Donaldson's, where ladies only were at home. The residence of Mr. Birney, the editor, was then visited. No person was at home but a youth, upon whose explanations the house was left undisturbed. A shout was raised for Doctor Colby's, and the concourse returned to Main Street, proposing to pile up the contents of the office in the street and make a bonfire of them. Joseph Graham mounted the pile and advised against burning it, lest the houses near might take fire. A portion of the press was then dragged down the Main Street, broken up, and thrown into the river. The Exchange

was then visited and refreshments taken. An attack was then made upon the residence of some blacks in Church Alley; two guns were fired upon the assailants and they recoiled. It was some time before a rally could be again made, several voices declaring that they did not wish to endanger themselves. A second attack was made, the houses were found empty and their interior contents destroyed. It was now about midnight, when the party parading down Main Street was addressed by the mayor, who had been a silent spectator of the destruction of the printing office. He told them they might as well now disperse. A dispersion to a considerable extent followed.

The mayor's brief speech was reported in full. It is evidently characteristic of the man and the influences that elevated him to office. The latter consideration entitles it to a place in history:

"Gentlemen: It is now late at night and time we were all in bed—by continuing longer, you will disturb the citizens or deprive them of their rest, besides robbing yourselves of rest. No doubt it is your intention to punish the guilty and leave the innocent. But if you continue longer, you are in danger of punishing the innocent with the guilty, which I am convinced no one in Cincinnati would wish to do. We have done enough for one night. ["Three cheers for the Mayor."] The abolitionists themselves must be convinced themselves by this time, what public sentiment is, and that it will not do any longer to disregard or set it at naught. [Three cheers again.] As you cannot punish the guilty without endangering the innocent, I advise you all to go home. [Cries of "home!" "home!" from the crowd drowned the balance of the harangue.]"[7]

On Monday following, reaction had set in, and many citizens of Cincinnati who thus far had taken no part in the contest, realized that the city had been disgraced by mob violence and that something must be done for the restoration of law and order. The population of Cincinnati at that time included many good people of this class who were now thoroughly aroused and resolved to restore order. A meeting was called for the afternoon of Tuesday, August 2nd, at three o'clock, in the courthouse. Among those prominently identified with this meeting were Charles Hammond, editor of the Gazette, Salmon P. Chase, William D. Gallagher, Thomas H. Shreve, M. Lyon, F. W. Chester, James Calhoun and J. M. McCullough.

Volunteer companies were organized to preserve order "and the mayor reluctantly swore them in as special policemen." This promptly brought an end to disorder.

The Philanthropist did not resume publication immediately. It was reestablished and reissued in the following September. For a time Mr. Birney did not venture out much at night, but he soon abandoned this precaution. Most of the time he was in the lecture field while his assistant, Dr. Gamaliel Bailey, looked after the interests of the Philanthropist while Mr. Birney wrote the leading editorials. Later Doctor Bailey became the editor of the paper which he published in Cincinnati until 1847, in which year he moved it to Washington, District of Columbia, where it was published and renamed the National Era. It wielded great influence for the anti-slavery cause prior to the Civil war. In its columns, by chapters, was first published Uncle Tom's Cabin by Harriet Beecher Stowe.

Mr. Birney in the later part of September, 1837, moved to New York City to assume his duties as secretary of the American Anti-Slavery Society. He continued to be a prominent figure in the anti-slavery movement, and was the candidate of the liberty party for President of the United States in 1840 and 1844. He was the author

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[7]Green, Sketches of the Life and Writings of James Gillespie Birney, p. 66.

of many pamphlets against slavery and his speeches on this subject in the United States and England were published and extensively read.

He had six sons. James was elected lieutenant-governor of Michigan, served as acting governor and was appointed by President Grant minister at The Hague. William, David Belle, Dion and Fitzhugh rendered distinguished service in the Civil war. The first two rose to the rank of brevet major-general, and the last three made the supreme sacrifice for liberty and union. James Gillespie, a grandson, rose to the rank of captain and died soon after the close of the Civil war.

Pro-Slavery Mobs and Race Riots

Gen. William Birney, in his biography of his father, has insisted that the mobbing of anti-slavery advocates, though somewhat frequent, was not serious, resulting usually in the breaking of church windows or the hurling of a few over-ripe eggs at abolition speakers. "Tar and feathers," said he, "figured largely in newspaper articles and pro-slavery speeches; but of the thousands of anti-slavery lecturers one only was subjected to that indignity and that was as early as 1834."

General Birney may be right in his contention that certain writers have exaggerated the abuse and insults inflicted upon anti-slavery speakers and writers; but he is certainly wrong in his claim that only one of them suffered the indignity of "tar and feathers" and that "as early as 1834."

The withdrawal of divinity students from Lane Seminary in 1834 has already been noted. Among the number was Marius Robinson who was born at Dalton, Massachusetts, July 29, 1806. He moved with the large family, of which he was the eldest child, to Danville, New York. Soon afterward he went to Utica where he learned the trade of printer. In 1827 he accepted a position in the South and taught in a Cherokee Indian Mission School. While here he studied theology under private teachers. In 1830 he entered Nashville University, from which he was graduated two years later with high honors. His diploma, now in the possession of a relative, bears the signature of President Andrew Jackson. He then became a student in Lane Seminary, intending upon the completion of his course to enter the ministry. The upheaval in that institution over the question of slavery changed his plans. For a time in 1836 he worked in the office of the Philanthropist in Cincinnati. In June of that year he was ordained to the ministry in Jamestown, New York. In August he was appointed by the American Anti-Slavery Society as lecturer for Middle and Northern Ohio. His work brought him to Salem, which later became his permanent home.

He entered upon his mission with generous enthusiasm. Though not a Quaker, his wife had been reared in that faith and he had the quiet courage and devotion to his cause so generally attributed to that sect. He was a non-resident—his only weapons were those of reason and spirit.

His lectures were well received. Though not an especially eloquent advocate, he was a pleasing and persuasive speaker. At some of his meetings there was evidence of disapproval and threats that he would be harshly dealt with.

On June 1, 1837, in answer to an invitation he went to Berlin Center, Mahoning County [then Trumbull County], to deliver an address. Churches and school buildings were closed to him. He declared his intention of showing that the Bible does not support slavery. This seemed to arouse especial hostility. His statement of his effort to be heard and the indignities that he suffered at the hands of the mob indicates the spirit of the times, even in Northeastern Ohio where anti-slavery sentiment and influence were comparatively strong. His account was published in the Aurora of June 15, 1837, and is here reproduced

from a Souvenir History of Ye Old Town of Salem, 1806-1906. His communication, written at the Quaker Village of Gillford, Columbiana County, was addressed to the editor of the Aurora as follows:

"Mr. Frost: At the request of a number of my fellow-citizens, I send you some of the particulars of a recent gross violation of my rights, in common with those of my fellow-citizens. * * * I shall give a simple narrative of facts, for some of the indignities offered me were of too gross and brutal a character to be thus publicly detailed. In giving this narrative I am actuated by no spirit of resentment, but of unfeigned sorrow for the deep-rooted and widely extended influence of the spirit of slavery among my countrymen, and a strong desire that all may see their danger, and, rising in the vigor of Christian manhood, may remove the cause, by the unceasing proclamation of the great doctrines of universal love.

"On Thursday, the first of the present month, I visited Berlin, in Trumbull County (now a part of Mahoning County), for the purpose of discussing the subject of American slavery. Notice was circulated that on the following day there would be a lecture. Application was made to Joseph Holt, Esq., a trustee of the school district, and one of the oldest and most influential citizens of the place, for the use of the schoolhouse. This was refused. Jesse Garretson, a highly respectable merchant of Berlin, at whose house I was welcomed with the warmest of cordiality, opened his dwelling for the lecture. Esquire Holt informed him that if the meeting was held the inevitable result would be a mob. The meeting, however, passed off without a verification of the prediction, and another meeting was appointed to be held on the following day of the week, when I purposed to vindicate the Bible from the charge of supporting slavery. On Saturday there were some buzzings of disapprobation, because we had presumed to have a meeting in opposition to the well-known wishes of the nobility of Berlin. But they were not such as to create in my mind any apprehension of violence. But the result showed that Esquire Holt could penetrate the future with more certainty than myself. About ten o'clock at night Mordecai B. Hughes entered the store of Garretson & Hoover, where I was sitting in conversation with J. F. Powers, Jesse Garretson and his wife, and having seized me by the arm proceeded to drag me toward the door, at the same time saying, 'You have got to leave town tonight. You have disturbed the peace of our citizens long enough.' Mrs. Garretson interfered, saying: 'If you take him, you must take me too'; and about the same time a second ruffian, who entered just after Hughes, seized me by the other arm for the purpose of dragging me out, while Mrs. Garretson made an effort to close the door and shut out the remainder of the gang. But this was prevented by those without, who now joined in the effort for my abduction; but for several minutes these were rendered unavailing, by the vigor and firmness of my friends, Mr. and Mrs. Garretson. During the struggle Hughes demanded of Mr. Garretson that he should dismiss me from his house. This was refused. They then pressed on with new vigor. They were requested to stop and reason the matter. 'No reason here' was the reply; and so, indeed, we found it. Brute force was the order of the day, and it was exercised without respect of persons upon all who opposed, as was strikingly manifested in the treatment these chivalrous advocates of slavery were pleased to deal out to Mrs. Garretson in their zeal for the peace of the neighborhood. Hughes, who seemed to be dictator for the occasion, ordered her to desist; assured her that she was 'acting very imprudently'; that he 'would remember her for this'; and once pushed her with some violence. Mrs. Garretson also received two blows, one on her arm, which sprained her wrist, and another on her breast which has since occasioned considerable pain and soreness. But notwithstanding their commands, threats and blows, she continued unremittingly her efforts, until they had secured their prey by dragging

me into the street. The spirit with which the attack was made may be learned by the following fact: A citizen from Berlin, in conversation with two of the rioters, asked them how they would have felt had there been a corpse found in the store the next morning. One of them, William Ripley, Jr., a merchant of the place, replied: 'We went prepared to take him, let the consequences be what they would.'

"After getting me into the street, they hurried me along with violence and rapidity, a mile or perhaps more—cursing, taunting, threatening as they went. I was dragged along by three men, one holding me by each wrist, another holding me by the collar. This last, who seemed to be more of a savage than the rest, frequently jerked me with violence towards him, and would then thrust his fist violently against my breast; and once he struck me on the head. Hughes remonstrated against their hurting me, and they desisted from this species of violence. One started for a rail, but this measure was decided against. But in the infliction of tar and feathers they seemed to coincide. After the delay of some half hour or more for the purpose of procuring the means, they carried their measure into execution. After this outrage, one of their number went for a wagon, for the purpose of transporting me far from Berlin, that I should not be able to return in time for the meeting next day. During this interval, while being held fast by two men, I was made the subject of multiplied jeers and insults. I made several efforts to enter into conversation, and in one or two instances met with partial success. But Hughes, who was most surprisingly afraid of 'reason,' uniformly interfered and thwarted my purpose.

"When the wagon arrived, I was placed in it with three men, one to drive and two to prevent my escape. After ascertaining by search of my pockets that I had neither dirk nor pistols, they concluded to relinquish their hold on my person and permit me to ride in the most comfortable method I could. I was carried by them about ten miles, and left about an hour before day, near the center of Canfield. I was here an entire stranger, not knowing even the name of a single inhabitant of the township, and in a situation as may well be imagined anything but agreeable. But that God, whose I am and whom I humbly endeavor to serve, guided my steps to the house of Mr. Wetmore, where all my wants were most amply supplied. From his son, Mr. William Wetmore, I received the most marked sympathy and kindness. Of him I borrowed a suit of clothes, my own having been entirely spoiled, attended meeting through the day, and although laboring under considerable pain and fever from the abuse of the previous night, I was permitted at 5 o'clock p. m. to open my mouth once more, for the dumb, and to search out the cause of those who, by the avarice and prejudice of the nation, are appointed unto death.

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"I will only add that I have since visited Berlin for the purpose of addressing a number of respectable citizens who were desirous of learning what this strange doctrine (abolition) was. But tar and feathers having proven ineffectual, other means were resorted to. I was now, together with my audience, subjected to other outrages, under the professed authority and sanction of law. The particulars of this transaction are worthy of record, and I will endeavor to furnish them next week.

"Yours,

"Marius R. Robinson.

"Gillford, June 13, 1837."

In the struggle to take Mr. Robinson from the store, he was dragged over a rack of scythes and an ugly gash was cut in one of his thighs. The tar applied was so hot that it burned the flesh on one of his arms. Before reaching Mr. Wetmore's home in Canfield, he called at another house, but the inmates were so frightened at his appearance that they would not admit him. In the sermon that he preached in Canfield

Sunday evening he did not speak of the ordeal through which he passed the previous night. Physical reaction followed, and he never fully recovered from the brutal treatment that he received at the hands of the mob, but he manifested no personal ill feeling toward his persecutors.

Those who perpetrated this outrage were all well known. There was no attempt to conceal their identity; neither was there any effort to bring them to justice for this lawless act. On the other hand, Mr. Robinson was himself arrested on the charge of "inciting a mob." He was successfully defended in court by R. W. Tayler, later auditor of state and father of R. W. Tayler, congressman and United States district judge. In these times there was plenty of law, but it was seldom invoked in behalf of abolitionists.

In 1839, Mr. Robinson was delivering anti-slavery lectures in Licking County. At Granville he was confined to his room for some time by a severe illness. Taking advantage of this his opponents resorted to a novel device to rid the community of his presence. The overseers of the poor were influenced to use their authority in behalf of the local pro-slavery sympathizers. They sent by a constable the following order which was served on Mr. Robinson when he was unable to leave his bed:

"Licking County, Granville Township, ss.

"To H. C. Mead, Constable of Said Township, Greeting:

"Whereas, We, the undersigned, overseers of the poor of Granville Township, have received information that there has lately come into said township, a certain poor man, named Robinson, who is not a legal resident thereof, and will likely become a township charge, you are therefore hereby commanded to warn the said Robinson, with his family, to depart out of said township. And of this warrant make service and return. Given under our hands this first day of March, 1839.

"Charles Gilman,
"S. Bancroft,
"Overseers of the Poor."

Although he was ill, Robinson was not frightened at this order and stood his ground until he was able and ready to leave.

The influence and conspicuous service of Marius Robinson to the anti-slavery cause did not end with the incidents here related, as we shall see later. In this connection the statement should be made that the men who mobbed him in the summer of 1837 in after years regretted this action and a number of them became his supporters and staunch defenders of the Union when the shackles of the bondsman were broken in the Civil war.

General Birney declares that the pro-slavery mob "though homicidal in intent made no martyrs." Englishmen recently from the home country were frequently men of pronounced anti-slavery convictions. Against them it was easy to incite mob violence. The hostility toward them was a heritage of the Revolution. It was easy to stir up among the unreflecting, especially in cities, demonstrations against British opponents to our institutions. In June, 1841, a riot of moderate dimensions was incited against an English confectioner by the name of Burnett in the City of Cincinnati. He was an outspoken abolitionist with a sharp tongue and the disposition to use it on small provocation. He is said to have rescued a slave girl and sent her to Canada. He made no denial of this when her master and a number of constables came to his place of business seeking the fugitive. Considerable excitement developed when he was placed under arrest. He had personal qualities that, in spite of his English nativity, had made him some staunch friends in the city. After his arrest he returned home awaiting trial.

That night a mob again assembled at his home near Fifth and Market streets. According to Birney's account, the mob assembled on three successive evenings to take Burnett from his house and hang him.

He did not attempt to leave the city, but with twelve friends and two sons barricaded himself in his home against the mob. Assaults were frequently made against the beleagured abolitionists but the mob was driven off by volleys of lumps of coal from the upper windows. A good supply, stored in the basement for fuel, was now used by the defenders. Fire arms "were reserved for a last resort." This incident derives additional interest from the fact that one of the defenders was young Donn Piatt who afterwards acquired literary and martial fame.

Failing to accomplish its purpose in three successive nights, the mob was finally quelled and dispersed by the mayor of the city. Birney declares that such a conflict never took place in any other city.

The Cincinnati Gazette, no longer under the editorial direction of the able, independent and courageous Charles Hammond, gave a somewhat different story of the mob. The paper under its new editor was distinctly pro-slavery in sentiment and its reports of local occurrences that relate to slavery must be regarded with a liberal allowance.

Riotous action against the negro race began in Ohio when the colored population was comparatively small. Most of the free negroes in the state were in the County of Hamilton and the City of Cincinnati. The local officials became alarmed at their increasing numbers. In 1829 a proclamation was issued requiring that all colored persons who could not furnish evidence of their freedom and the bonds legally required to entitle them to remain in the city should leave at once. The laws applying to the colored people, enumerated in another chapter among the "Black laws," had not been rigidly enforced and consternation now seized the resident negroes when they learned, many of them for the first time, just what was required before they would be legally privileged to remain. They petitioned for an extension of time in which to meet the legal requirements. This was granted them. In the meantime they had sent representatives to Canada to arrange for emigration from Ohio. Before these representatives returned the extension of time granted by the authorities had expired, and steps were taken for the forcible expulsion of the negro. This precipitated a riot that lasted three days and nights. The colored people appealed in vain to the authorities for protection, and at last barricaded their homes and defended themselves. A number of their assailants were killed and wounded and the mob retired. A little later the committee returned from Canada with the cheering news that the governor of Upper Canada had said that he would extend to them a cordial welcome. "Tell the republicans on your side of the line," he said, "that we royalists do not know men by their color. Should you come to us you will be entitled to all the privileges of the rest of His Majesty's subjects." On receipt of this intelligence it is estimated that one-half of the colored population of Cincinnati, numbering about 2,200, left the city and founded a settlement in Canada, which they called Wilberforce.[1]

Negroes escaping from slavery, without education and previous experience in providing for their needs, were not naturally the most desirable class of citizens. They lacked thrift, ambition and enterprise. It must be said, however, that they were not inclined to acts of violent lawlessness. They frequently objected to the work of white abolitionists in their behalf, because it made them the objects of the hatred of the dominant pro-slavery element. In the riot of July, 1836, of which mention has already been made, the free colored people of Cincinnati met and passed resolutions asking Birney and his anti-slavery friends to cease their agitation because it was endangering the peace and lives of the colored population of Cincinnati. This action was without result. It did not prevent the mob from wreaking their wrath upon the colored quarter of the city.

Early in September, 1841, occurred a race riot in Cincinnati that in

[1]Ohio Anti-Slavery Convention Proceedings, 1835, pp. 19-20.

some respects surpassed all previous outbreaks of this character in that State of Ohio. An extended account of this is found in the Cincinnati Gazette of September 6, 1841. This riot had its small beginning about one week previous, on August 31st. It started with a quarrel between a few negroes and some Irish laborers. It gradually grew in violence and extent, reaching its climax on Saturday night, September 4. The printing office of the Philanthropist was again entered, the types, printing materials and furniture completely destroyed and the printing presses broken and thrown into the river. On Friday evening the mob in added numbers and violent mood started for the colored quarter. J. W. Piatt, the mayor and one or two other prominent citizens, tried in vain to stay the rioters by appeals in behalf of the good name of the city. Their voices were drowned in shouts and curses of derision. Soon the fight was on in all its fury. Attacked in their homes, nothing was left to the negroes except to defend themselves as best they could. Many who escaped the bludgeons of the mob fled to the hills.

The mob finally got possession of a cannon and its roar added to the tumult and horror of the night.

There were meetings of citizens on Saturday at which resolutions were passed deploring the sad plight of the city and expressing disapprobation of abolotionists and the sources of the trouble that confronted them. An effort was made by the military, which had been called out to preserve order, to protect the panic-stricken negroes. About 300 of them were finally gotten into the jail in order that they might escape the fury of the mob.

The disorder that prevailed was so serious that Governor Corwin issued a proclamation calling upon all good citizens to aid in preserving the peace and placing the local militia of the state at the command of the city authorities.

When the colored men were disarmed and placed in prison for protection, they were assured that their wives and children would not be further molested. This assurance was made in good faith but it did not prevent the mob from renewing its attack and brutally abusing the helpless negro women and children.

The mob finally desisted after it had accomplished its purpose and wearied itself with riotous excess. And the city once more for a period resumed its normal peaceful condition.

The race question, though related to the slavery question in the years of our history prior to the Civil war, constitutes a separate and distinct problem that still remains with our republic. The institution of slavery was overthrown by force of arms, never to rise again. Since the Civil war there have been race riots that surpassed in destructive violence anything experienced in the period of anti-slavery agitation. The mitigation of these occasional reversions to barbarism demands the best thought and united effort of the leaders of both races.

Division in Anti-Slavery Ranks

In 1840 and 1844 James G. Birney was the candidate of the liberty party for President of the United States. He ran on a platform pledged to the abolition of slavery, and abolitionists of all shades of opinion supported him. The radical wing of the party, the followers of William Lloyd Garrison, grew restive under the leadership of those who sought to liberate the slave and at the same time to preserve the Union. The abolition of slavery in the District of Columbia and in the territories of the United States they considered good so far as it went, but not sufficient to justify continued union with the South, where slavery existed under the sanction of the Constitution of the United States. The prospect of changing the Constitution seemed to them discouragingly remote. In the South the pro-slavery party was supreme and its influence was extending. They could not see how, for generations to

come at least, it would be possible to secure the sanction of three-fourths of the states to an anti-slavery amendment to the Constitution. Rather than continue under a government that legalized human slavery they would rend the Union asunder. They adopted as their battle cry, "No Union With Slaveholders." In other words, they were disunion abolitionists.

They sought a peaceful existence in a free North without the annoyance of a dominating slaveholding South. The practical impossibility of their plan was then apparent to many as it is now to everyone. With the Underground Railroad, other devices to encourage runaway slaves and violent differences in regard to the "peculiar institution of the South" there could have been no peace along the borders of a dissevered Union. The disunion abolitionists did not look so far ahead and some of their advocates denounced the Constitution as "a league with death and a covenant with hell."

Naturally there were many who opposed slavery but were not prepared to go to such extremes. The division in the anti-slavery ranks, which had been growing for some time, reached a crisis in the meeting of the Western Anti-Slavery Society which assembled in the Disciple Church at New Lisbon, June 5, 1845. Abby Kelley Foster, the aggressive and eloquent Quakeress and radical abolitionist, assailed the citadel of conservatism in this convention and ultimately carried everything by storm. She declared that "Washington and Jefferson were slaveholding thieves, living by the unpaid labor of robbed women and children." At this outburst a delegate stepped on the platform and declared, "This is a slander upon Jefferson, who said in his warning against slavery, 'I tremble for my country when I remember that God is just and that His justice can not sleep forever.' "

Almost pushing the speaker from the stand, Abby Kelley Foster shouted, "Ah, devils fear and tremble when the Almighty is thundering out his wrath upon them—but are they the less devils?"

In the midst of the excitement a prominent citizen arose and said, "She is proving it all, but it will lead to war and bloodshed." At this point, oil was poured on the troubled waters by someone who led the great audience in singing the familiar lines:

"We have a weapon firmer set
And better than the bayonet;
A weapon that comes down as still
As snowflakes fall upon the sod,
But executes a freeman's will
As lightning does the will of God."

The abolitionists of the Garrisonian School now having complete control in this stronghold of anti-slavery sentiment in the West, took prompt steps to establish a newspaper for the promulgation of their views. This was to be to this section in a measure what the Liberator was to the East and the entire country. It was not to supersede but to supplement Garrison's great organ, and to give due prominence to the anti-slavery movement in Ohio and the Northwest.

The Anti-Slavery Bugle

On June 29, 1845, the Anti-Slavery Bugle was launched. The first issue was published in the office of the Aurora at New Lisbon, Ohio, and bore at its masthead, "No Union With Slaveholders." After the sixth issue it was moved to Salem, Ohio, where it was published until Abraham Lincoln issued his Emancipation Proclamation.

At first the Bugle carried the name of no editor, but it did not lack bold and vigorous editorial expression. Some of the ablest writers of the abolition school in the United States were on the ground ready and

eager to pen their fervid thoughts for publication. The seventh issue was published in Salem, September 5, 1845. In this paper the names of the following publishing committee: Samuel Brook, George Garretson, James Barnaby, Jr., David L. Galbreath and Lot Holmes. Barnaby was also general agent for the paper and the names of the editors were Benjamin S. Jones and J. Elizabeth Hitchcock. The editors were later married. In the issue of October 23, 1846, the name of George Garretson appears for the last time on the publishing committee. The names of the other members of this committee were published without change until the issue of October 8, 1847. At this time the members of the publishing committee were transferred to the executive committee of the Western Anti-Slavery Society. In the issue of June 15, 1849, appears the valedictory of Benjamin S. Jones and J. Elizabeth Jones, the joint editors. Two weeks later "Words of Introduction," present Oliver Johnson, the famous anti-slavery advocate, as the new editor. He came expecting to remain only one year until a permanent editor could be found, but the work was so congenial to him that he consented to remain almost two years. His "Parting Words" are found in the issue of April 26, 1851. Marius R. Robinson was then persuaded to undertake the editorial work. His salutatory in the issue of May 24, 1851, shows that he did this reluctantly and with misgivings as to his qualifications for the new position. He remained editor, however, until the cause for which the Bugle was established had triumphed and publication ceased.

The Bugle was a four-page, six-column paper, that increased its size by increasing the width of its columns. Its space was given up almost entirely to the anti-slavery cause. There were few advertisements. The speeches of friends of the cause in Congress and on the platform were frequently reproduced in their entirety or extended quotations. There were letters of generous length from speakers in the field. Anti-slavery meetings and conventions were ably reported and local clashes with pro-slavery sympathizers were given considerable prominence. In short, this was an organ of agitation and propaganda. An editorial in the first issue sets forth pretty clearly the purpose of the publication. It reads as follows:

Our Paper

In extending to our readers our first greeting, we by no means intend to disparage ourselves that they may exalt us.

Though you may consider our garb rather home-spun, and our style somewhat homely, yet we come before you with no humble pretensions. Our mission is a great and glorious one. It is to "Preach deliverance to the captive, and the opening of the prison door to them that are bound," to hasten in the day when "Liberty shall be proclaimed throughout all the land, unto all the inhabitants thereof." Though in view of the magnitude of this enterprise, we feel that the intellect and power of an angel would be but as a drop in the ocean of Truth, by which the vilest system of oppression the sun ever shone upon is to be swept away, yet knowing as we do that our influence is cast with justice and Humanity, with Truth and the God of Truth, our pretensions are far from humble, though our talents may be justly so considered.

He who professes to plead for man degraded and imbruted, and to strive for the elevation of the crushed millions of his race; he who professes to labor for the restoration of manhood to man, and for the recognition of his divine nature, makes no humble pretensions.

It is true our Bugle blast may not fall upon your ear with all the sweetness and softness which so well becomes the orchestra of an Italian or French opera company, but we intend that it shall give no uncertain sound, and God aiding us, we will blow a blast that shall be clear and startling as a hunting horn or battle charge, and we trust that its peals

shall play around the hill-tops, and shall roll over the plains and down the valleys of our state, until from the waters of the Ohio to those of the mighty lakes, from Pennsylvania on the east to Indiana on the west, the land shell echo and re-echo to the soul-stirring cry of "No UNION WITH SLAVEHOLDERS."

The Bugle was not devoted entirely to the anti-slavery cause. Incidentally it favored temperance, the abolition of capital punishment and woman suffrage. The first call for an Ohio woman suffrage convention appeared in this paper April 13, 1850. This convention was held in Salem on the nineteenth day of April of that year. It may, therefore, be truthfully said that the Bugle was potent in starting this reform which only recently has been fully accomplished, not only in this state, but in the United States.

The promoters of the Bugle seem to have been inspired with a high degree of state patriotism. They made the appeal for the paper not only in the name of its cause, but in the name of Ohio. In the second issue appears a lengthy editorial from which we quote as follows:

Unpopular than as may be the doctrine of "No Union with Slaveholders," yet believing it to be true, the committee have inscribed it upon their sheet. No other paper west of the mountains bears that motto. The abolitionists of Eastern Pennsylvania, of New York, and of New England have unfurled their banners and written it upon the folds. Yonder, upon the soil of Bunker's Height, beneath the very shadow of time-honored and venerated Faneuil Hall, the "Liberator" has long since been given to the breeze; and towering above the crowded metropolis of New York, where the hurry of commerce, the din of business, and the conflict of selfish interests have almost drowned the voice of truth, floats the National "Standard" of American Abolitionists. In the Quaker City of Pennsylvania, whose name once synonomous with brotherly love, has lost its beautiful signification, there are enough to sustain that banner which is the glory of the true "Freeman"; and from the hills of New England—from the White Mountains of New Hampshire is heard the voice of a "Herald of Freedom" cheering the handful who have rallied around the mountain standard and successfully defended it from the attacks of open foes and professed friends.

"Westward the star of Empire takes its way!" Ohio has heard the call and responded to it. Her flag has been unfurled—the echo of Freedom's song has fallen upon her ear, she has caught up the notes and her Bugle is even now sounding throughout the land. Shall it be said that the Buckeye State is content to remain behind her older sisters in this glorious enterprise? God forbid! Let those of us who profess to love the cause of freedom, show at this time that our love for it is not an empty name.

The non-resistant attitude of Garrison was pleasing to the anti-slavery forces of Eastern Ohio, where the influence of the Quakers was especially strong. Their agitation often provoked blows and mob violence of which they were the victims. In remarkably few instances did they defend themselves by physical force against insult and personal violence. Their meekness and persistence, as one of their foes once expressed it, "were infernally exasperating." They serenely refused to get angry or excited. Their only weapon was argument, and it is not recorded that they ever ran out of ammunition in the war of words. The industry with which they spread their propaganda and devoted themselves to the overthrow of the slave power was truly wonderful. At night they traveled far to help fugitive slaves along the Underground Railroad toward the goal of freedom; in daytime they went long distances to hear their speakers, and they gave freely of their time and meager means to a cause that would bring them neither wealth nor fame—a cause that was to them an educating influence, an inspiration to unselfish endeavor and, in some instances, the master passion of their

lives. They found a genuine enjoyment in this work and were ever cheered by an unwavering faith that it would ultimately triumph. By the standards of their time they were narrow-minded and fanatical, but they saw in straight and prophetic lines and the "visionary" and "impractical" reforms that they advocated in their day became the triumphant realities of a succeeding generation.

The anti-slavery speakers whose itineraries radiated from Salem very frequently had difficulty in finding rooms in which to conduct their meetings. Public buildings and churches were usually closed against them. Even the Quakers who freely bore testimony against slavery sometimes hesitated to open their meeting houses to the anti-slavery agents.

There were, however, some halls and churches that were always open to them. Among the latter was the church near Cool Spring, or Unionville, as the village was later called. This was a favorite meeting place not only because the use of the church was freely granted, but because it was located almost equi-distant from a number of villages and conveniently accessible to many people in this section. On Sunday, July 14, 1850, a meeting of unusual interest was held here. An account is quoted because it was somewhat typical of meetings held in other sections of the state. The following is from a full report as it appeared in the Bugle of July 20, 1850:

"As we anticipated, the meeting at Cool Spring on Sunday last was attended by a large concourse of people from the surrounding country, most of them doubtless attracted by the prospect of listening to the fervid eloquence of Abby Kelley Foster. The meeting house being too small to accommodate even one-half the throng, the windows on the north side were removed, and the speaker taking her place at one of the apertures, was heard with great ease as well by those on the outside as by those within the walls.

"Mrs. Foster's subject in the forenoon was the popular religion of the land—the spuriousness of its worship and forms, contrasted with the pure and undefiled Christianity of the New Testament. She spoke with great power, and with an unction proceeding from the heart and from a deep sympathy with struggling humanity. The large audience listened as if spellbound for upwards of two hours, and we are confident that a deep and abiding impression was made on many minds. At the conclusion of her address, several questions were put by Doctor Evans and De Lorma Brooks, Esq., of New Lisbon, which, for want of time before adjournment, were not fully answered. After a few remarks by Henry C. Wright, the meeting adjourned until 2 o'clock p. m.

"The friends of the cause having reason to believe that a concerted effort would be made to throw the meeting into confusion, determined to organize at the commencement of the afternoon session by the appointment of a chairman to keep order. Five or ten minutes, however, before the hour appointed for the opening of the meeting, a vagrant buffoon and rowdy, calling himself Dr. O. C. Evans, took his place near the stand and commenced a characteristic speech. When the hour of 2 o'clock had arrived, Samuel Myers mildly requested him to desist, but he refused to do so in the most insulting manner, and proceeded with his harangue, being encouraged in that outrageous course by a few rowdies as vulgar as himself. Of course, he had no more right to speak at that time, in defiance of all order and of the wishes of those who had called the meeting, than he had to pick the pockets of those assembled; but all appeals to his sense of justice and his regard for decency were alike vain; he had come to the meeting resolved that his voice should be heard, not in a peaceable and orderly manner, but in such a way to produce all possible confusion. He was told that, if he would suffer the meeting to become organized, he should have the floor at once; but it was of no use.

"Seeing that remonstrance was vain, the anti-slavery friends appointed their chairman, quietly removed their speakers' stand to the south side of the house, and left the brawler and his congenial spirits to themselves. The creature then played the buffoon for an hour or more for the amusement of his cronies, who enveloped in the smoke of burning tobacco doubtless thought they had achieved a victory over the abolitionists and saved the Union and the church from destruction! That the noise of the rowdy doctor—for he roared like a 'bull of Bashan'—and the loud jeers of his boon companions, did not annoy the friends of order, it would be too much to say; but the disturbance was not such as to interrupt the progress of the meeting. Able addresses were made by H. C. Wright and A. K. Foster. William D. Ewing of New Lisbon, a sort of amateur free-soiler, came forward in a manly way to vindicate the Constitution and the Union, but we cannot honestly say that he helped the cause he sought to defend. De Lorma Brooks, an out-and-out whig, who believes that the 'self-evident truth' of the Declaration of Independence are a transparent lie—whose highest rule of morality is that 'Power gives Right,' and wouldn't mind holding slaves and raising them for market if the law only allowed it—controverted alike the views of the abolitionists and of Mr. Ewing. He admitted, however, that the former were consistent in opposing the Union and Constitution believing, as they did, that slavery was a sin and that it was a crime to aid in upholding it. They were both pretty effectually 'used up' by Abby Kelley Foster.

"The meeting on the whole was a grand one, and we believe that the good seed so freely sown will produce an abundant harvest."

The newspapers of the two leading political parties at the county seat of Columbiana County were hostile to anti-slavery movements in general and to the work of the Western Anti-Slavery Society and the work of its agents especially. The New Lisbon Palladium, the whig organ of the county, manifested its spirit in the following editorial expression in regard to the speaking campaign of Abby Kelley Foster, including the meeting at Cool Spring:

"Abby Kelley Foster is again upon the stump ministering to the depraved appetites of her fanatical followers. She spoke in this place Saturday last and at Cool Spring, about seven miles north of here, on Sunday. The people of New Lisbon showed their good sense by staying from the meeting, letting her rave her blasphemies in the ears of those who have just wit enough to believe in the doctrine that 'the Bible's a farce and Jesus Christ's an imposter.' We sincerely trust that even to those poor witless fools who are blinded by her eloquence to the dangerous tendencies of her doctrines the poison may be of so malignant a nature as to carry with it its own antidote."

The Town of Salem was well chosen as the western citadel of the anti-slavery forces. It was settled by Quakers, and traditions of hostility to the slave power extended back to the earliest settlement there in 1806. The Bugle was safe in this stronghold. James G. Birney's Philanthropist might be mobbed and his press and type might be thrown into the river at Cincinnati, but there was no time when it would have been safe for a party of lawless and desperate men to make an attack on the office of the Bugle in Salem. There had grown up in the town a sturdy generation of young men who in such an emergency would have forgotten their "non-resistant" creed. Their long war of words was preparatory to action at a later period.

The anti-slavery sentiment of Salem and the immediate vicinity was manifest in the other local paper published there. Although it was not an anti-slavery organ, whenever editorial expression was given on the subject it was almost invariably favorable to the anti-slavery cause. For some years before the outbreak of the Civil war the Salem Republican edited by J. K. Rukenbrod was outspoken in frequent arraignment of the slave power.

Considerable space has here been given to the Anti-Slavery Bugle because its importance seems to have been hitherto somewhat overlooked. After the removal of the Philanthropist from Cincinnati to Washington, District of Columbia, in 1847 the Bugle continued to be the only anti-slavery newspaper published in Ohio. For twelve years Marius R. Robinson was its editor. In closing this sketch we may appropriately quote the tribute paid him by Oliver Johnson whom he succeeded:

"Mr. Robinson was a man of great sweetness and purity of life, and an earnest and eloquent champion of every principle and measure which he thought beneficial to his fellow-men. He combined great courage with great discretion, winning the respect and confidence even of those whose views differed most widely from his own. Of pure and undefiled religion, as defined by the apostle James, he was at once a defender and an exemplar. As a speaker he was full of what is usually called magnetic power, by which he was able to command the attention and sway the sympathies of his hearers. For many years he was editor of the Ohio Anti-Slavery Bugle, the files of which are a memorial of his power as a writer as well as of his unswerving devotion to the cause of freedom."

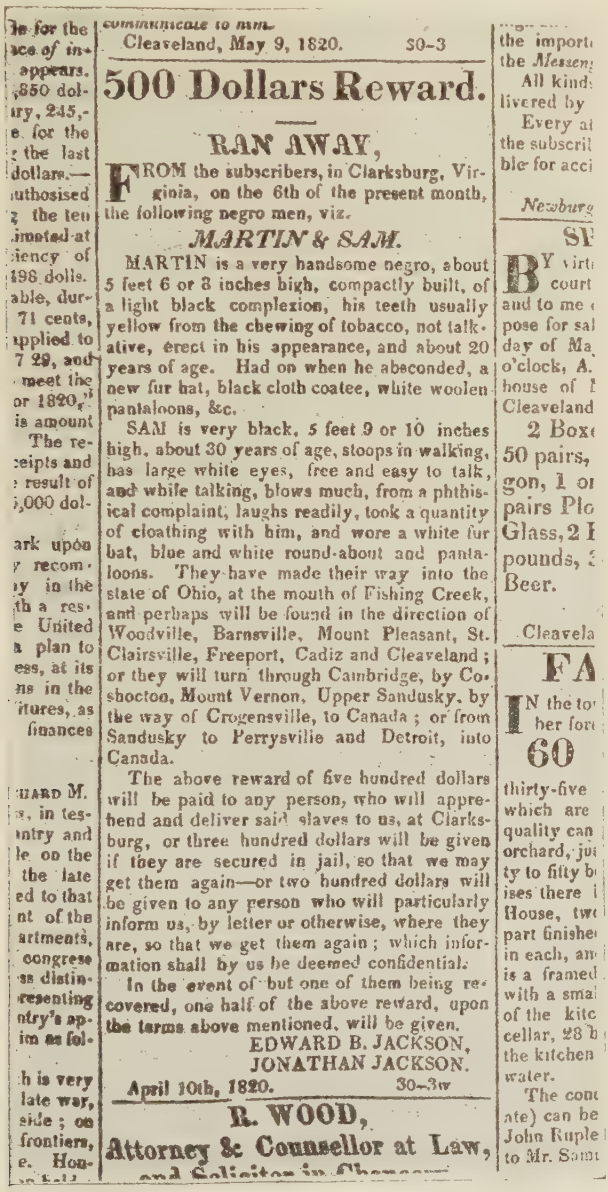
After the Emancipation Proclamation had been issued the Anti-Slavery Bugle ceased publication. Its cause had at last triumphed. The anti-slavery advocates who had taken up the campaign cry "No union with slaveholders" found a way to unite with the friends of freedom in the reestablishment of a union without slaveholders. Mr. Robinson laid aside his editorial pen, united himself with the business interests of Salem and became president of the Ohio Mutual Fire Insurance Company, a position that he held for the remainder of his life. He died in Salem December 8, 1878, highly respected by citizens without regard to creed or party.

The Black Laws

Early in the legislative history of Ohio a law was enacted flagrantly discriminating against the negro inhabitants of the state. This act bears the date of January 5, 1804. Its leading provisions were as follows:

1. No negro was permitted after the following June to settle or reside in the state unless he first produced a certificate from some court attesting his freedom.
2. Every negro residing within the state was required, on or before the first day of the following June, to record his name in the county clerk's office and receive a certificate of his freedom.
3. No person was permitted to employ a negro unless such negro had the legal certificate attesting his freedom. A fine of from $10 to $50 was imposed for a failure to comply with this provision, one-half of which fine was to go to the informer and the other half to the state. An additional fine of 50 cents a day was imposed if the negro employed or secreted was a fugitive slave.
4. Any person harboring or secreting a fugitive slave or preventing the lawful owner from retaking the same was subject to a fine of not less than $10 nor more than $50, one-half of which was to go to the informer and the other half to the state.
5. A negro coming into the state with the required certificate must within two years record the same in the clerk's office in the county where he meant to reside and receive a certificate of such record.
6. Associate judges and justices of the peace were authorized and required to direct the sheriff or constable to arrest negroes escaping into the state and deliver them to their masters.
7. Any person aiding a negro without his certificate of freedom to move out of the state was subjected to a fine of $1,000, one-half of which was to go to the informer and the other half to the state.

When it is remembered that even the free negroes coming into Ohio were illiterate and that the number of people in the state who were willing to vouch for them was comparatively small, it can readily be seen that the foregoing provisions of the law imposed very difficult conditions. The purpose of the act was evidently to keep free negroes



communicate to him.

Cleaveland, May 9, 1820. 30-3

500 Dollars Reward.

RAN AWAY,

FROM the subscribers, in Clarksburg, Virginia, on the 6th of the present month, the following negro men, viz.

MARTIN & SAM.

MARTIN is a very handsome negro, about 5 feet 6 or 8 inches high, compactly built, of a light black complexion, his teeth usually yellow from the chewing of tobacco, not talkative, erect in his appearance, and about 20 years of age. Had on when he absconded, a new fur hat, black cloth coatee, white woolen pantaloons, &c.

SAM is very black, 5 feet 9 or 10 inches high, about 30 years of age, stoops in walking, has large white eyes, free and easy to talk, and while talking, blows much, from a phthisical complaint, laughs readily, took a quantity of cloathing with him, and wore a white fur hat, blue and white round-about and pantaloons. They have made their way into the state of Ohio, at the mouth of Fishing Creek, and perhaps will be found in the direction of Woodville, Barnsville, Mount Pleasant, St. Clairsville, Freeport, Cadiz and Cleaveland; or they will turn through Cambridge, by Coshocton, Mount Vernon, Upper Sandusky, by the way of Crogensville, to Canada; or from Sandusky to Perrysville and Detroit, into Canada.

The above reward of five hundred dollars will be paid to any person, who will apprehend and deliver said slaves to us, at Clarksburg, or three hundred dollars will be given if they are secured in jail, so that we may get them again—or two hundred dollars will be given to any person who will particularly inform us, by letter or otherwise, where they are, so that we get them again; which information shall by us be deemed confidential.

In the event of but one of them being recovered, one half of the above reward, upon the terms above mentioned, will be given.

EDWARD B. JACKSON,
JONATHAN JACKSON.

April 10th, 1820. 30-3w

R. WOOD,

Attorney & Counsellor at Law,

Facsimile of Ad for Runaway Slaves

out of the state, to prevent slaves from coming into the state and to impose heavy penalties upon any one who would aid them to escape to Canada.

It appears, however, that these restrictions were not considered sufficient to accomplish the purposes of the General Assembly. On January 25, 1807, a supplemental act was passed providing—

1. That no negro should be allowed to settle in Ohio unless within

twenty days he gave a bond for $500 signed by two bondsmen as a guarantee of his good behavior and his ability to support himself.

2. That anyone harboring or concealing a fugitive slave should be fined $100, one-half to go to the informer and one-half to the overseers of the poor.

3. That no negro should be allowed to give evidence in any case to which a white man was a party.

4. That the sixth section of the act of January 5, 1804, be repealed.

These two acts, with an intervening period of only a little more than three years, form the basis of the repressive measures known as the "black laws."

It is not difficult to understand why legislation in restraint of the immigration of negroes into Ohio was demanded at this time. Many of the new settlers of the state were from the slave states where the prejudices against free negroes was strong. Business men in the southern part of the state, and especially in Cincinnati, wished to retain the good will of slaveholders with whom they had business relations. They wished it to be understood that they were willing to cooperate in an effort to prevent slaves from escaping into or through Ohio. In the towns and especially in the City of Cincinnati there was among white laboring men at an early period a growing hostility to the negroes who were coming into direct competition with them. It was difficult for these laborers to understand that they were competing with the product of slave labor in another state, but when the fugitive slave or the free negro came into direct competition with them in their own city they were promptly aware of the fact and hostile to the presence of their inferior competitor. Many persons who were opposed to slavery and did not wish to see it introduced into Ohio because of its demoralizing and degrading influence, were quite as strongly opposed to having the state made the refuge for the degraded victims of this institution.

The hard conditions imposed by the acts of 1804 and 1807 would soon have removed practically all the negroes from Ohio if the laws had been rigidly enforced. The fact that the provisions were "honored more in the breach than in the observance" made it possible for the negroes to remain in the state and to eke out a rather sorry sort of existence.

The inconsistency of such laws is of course readily apparent. They were inconsistent with the Declaration of Independence; with the Ordinance of 1787; with the constitution of the State of Ohio. The first section of article 8 of the Constitution of 1802 contains the following: "We declare that all are born free and independent, and have certain natural, inherent, and unalienable rights, among which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and attaining happiness and safety." This section of the Bill of Rights does not vouchsafe these "natural, inherent and unalienable" rights to all white persons but to all persons without discrimination. The two acts directed against negroes, the provisions of which have been briefly summarized, took from them rights vouchsafed by the recently adopted constitution of the state. They made it difficult for the negro to secure a residence in Ohio. Having secured his residence it was made difficult for him to earn a living by honest labor. With these handicaps he was placed at the absolute mercy of hostile and unscrupulous white men. He could be assaulted and maltreated with impugnity, and if no white person testified in his behalf he had no redress at law. He might even be killed in the presence of a score of negroes and they could not bear testimony in court to bring the murderer to justice. His property might be taken from him and he had no redress except on the testimony of white witnesses. Truly might the opponents of these iniquitous laws in after years register the following arraignment:

"Their influence upon the blacks can not be otherwise than de-

structive to their moral and intellectual character, and their pecuniary interests. Mental debasement—moral degradation—self-disrespect—unyielding prejudice on the part of the whites and the most distressing poverty, are the natural and necessary consequences of these pernicious, unjust and impolitic laws."[1]

It is a little singular that hostility to these laws was not manifested at an early date. In the constitutional convention of 1802 the negro had able defenders when questions involving his fundamental rights were up for consideration. One is inclined to think that if Judge Ephraim Cutler had been in the General Assembly in 1804 and 1807 the result might have been different.

From 1819 to 1826 inclusive he was in the General Assembly—four years in the House and four years in the Senate. Through these years the two iniquitous laws against the blacks were on the statute books. Why did he make no effort to remove them?

It was not because he had changed his views on the subject of slavery. His attitude toward that institution through life was one of uncompromising hostility.

On August 14, 1809, when he was driving cattle over the mountains to the eastern market he met drivers of herds of a different character and made this note in his journal:

"On the way over Savage Mountain met two or three droves of negroes. Gave one of the drivers and the master who rode in the carriage a lecture they will be likely to remember. I felt some energy and what little humanity I possess was roused at the shocking sight. We stopped at Davis's and had breakfast, and hired a hand to help with the cattle and drove on to Long's, on the farther side of Knobly."

When he was a member of the General Assembly in a letter to Mrs. Cutler, under date of January 9, 1820, he wrote:

"A few days ago we had a resolution before the House respecting allowing slavery in the new State of Missouri; that is, requesting Congress not to allow it in that country. I attempted to make a speech on this subject, got pretty warm, and spoke with energy. My friends appeared well pleased. I sometimes get excited in debate, perhaps too much so, but I believe I have never descended from a dignified course and when I have the floor I am gratified by the order and stillness which ensues."

The resolution to which Judge Cutler referred was adopted January 15, 1820. Here it is as it passed the General Assembly:

"Whereas, The existence of slavery in our country must be considered a national calamity, as well as a great moral and political evil; and,

"Whereas, The admission of slavery into the new states and territories of the United States is fraught with the most pernicious consequences and is calculated to endanger the peace and prosperity of our country; therefore,

"Resolved, by the General Assembly of the State of Ohio, That our senators and representatives in Congress be requested to use their utmost exertions to prevent the introduction of slavery into any of the territories of the United States or any new state that may hereafter be admitted to the Union."

Assuredly the text of this resolution indicates a very strong sentiment in opposition to the extension of slavery. It seems out of harmony with the black laws of Ohio. Here is another evidence that many citizens were strongly opposed to slavery and its extension and were at the same time in favor of repressive laws to exclude negroes from the state.

Just why Ephraim Cutler and other members of the General Assembly who shared his attitude toward the colored population made no

[1]Proceedings of the Ohio Anti-Slavery Convention, p. 39.

effort to repeal the black laws is not a matter of record. Possibly it was because these laws were not enforced. It is more probable, however, that Mr. Cutler did not wish to waste his time in what was apparently a hopeless effort, to the prejudice of important measures for the establishment of a state school system and an equitable taxation law for Ohio. He had given much thought to these reforms and early introduced bills to carry them into effect.

In 1829 a law was passed, entitled, "An act for the relief of the poor." It provided that persons residing one year in any township of the state without being warned by the overseers of the poor, or three years after being once so warned without being again warned should be considered as having gained a legal residence. There were also provisions for indentured servants and married women, determining under what conditions they could acquire legal residence. A second section in this law declared "that nothing in this act shall be so construed as to enable a black or mulatto person to gain a legal settlement in this state." This was a continuation of the policy to make it increasingly difficult for negroes to acquire the right to enjoy their freedom in Ohio.

Later, when a school code was adopted, a provision was included to the effect "that when any appropriation shall be made by the directors of any school district, from the treasury thereof, for the payment of a teacher, the school in such district shall be open to all the white children residing therein for the space of three months" each year.

On February 15, 1831, an act was passed to prevent kidnapping. This seems to have been designed to prevent professional slave hunters from seizing negroes and taking them into slave territory where on the flimsiest pretenses they could be sold into slavery. Section 2 of this act forbade any person to attempt to take negroes out of the state without first establishing before a court their right to do so under the laws of the United States providing for the return of fugitive slaves.

The kidnapping of negroes had been a source of so much annoyance and such flagrant injustice that the General Assembly of Ohio was moved to take action to prevent it.

In spite of this last act which seems intended to protect the negro his condition in Ohio was a most unhappy one. Mr. Charles T. Hickok in his excellent monograph, "The Negro in Ohio," has this to say of the laws restricting the rights of colored inhabitants of Ohio:

"By their injustice and cruelty they establish for the state an extremely unenviable reputation. With all her boast of freedom, of her inheritance of the Ordinance of 1787, and of her honorable descent from the Northwest Territory, it was said to her shame that the slave states themselves treated their free colored population with scarcely more cruelty than did the free state of Ohio."

Negroes coming into the state and expecting to find a paradise here compared with conditions in the slave states were naturally soon disillusioned and greatly disappointed. They found their rights curtailed on every hand and obstacles placed in their way to prevent them from getting to Canada where "black laws" were unknown. A song composed by M. C. Sampson, a colored man, seems to express the opinion that members of his race would naturally form of Ohio:

Ohio's not the place for me;
  For I am much surprised
So many of her sons to see
  In garments of disguise.

Her name has gone out through the world,
  Free labor—soil—and men—
But slaves had better far be hurled
  Into the lion's den.

Farewell, Ohio!
  I can not stop in thee;
I'll travel on to Canada
  Where colored men are free.

While popular opposition to the black laws was of slow growth, the number of citizens who felt that these statutes discredited Ohio grew from year to year. Cases of flagrant abuse of negroes by conscienceless and irresponsible whites were not infrequent and such exhibitions made these laws increasingly unpopular. On the following pages is given, somewhat in detail, one of these cases that became historic.

The Case of Matilda Lawrence

This noted case, interesting in itself as a part of the anti-slavery history of Ohio prior to the Civil war, is doubly important because of its subsequent influence upon the public careers of two noted citizens of the state. Matilda Lawrence was the daughter of a mulatto slave and her master. She was an octoroon and had been brought up in the house of her father as a servant and dependent. At the age of sixteen she lost her mother, whom she succeeded as housekeeper. The father never married.

At the age of twenty Matilda was a very attractive brunette, so light in color that her taint of negro blood was not generally suspected. This was understood, however, in the immediate neighborhood where she grew up and she was not there admitted to the society of white people. Her father forbade her to associate with the blacks. For years she lived in this position, not recognized as belonging to either race.

She learned to read and picked up an education from the books of her father's library. In the winter of 1836, because of failing health, he went to New York to consult an eminent physician. He did not wish to lose the services of his daughter as nurse and it was inconvenient and dangerous for him to take her as his slave. He therefore determined to have her accompany him as his daughter.

Her neat appearance and apparent intelligence made it easy to have her thus accompany him. Her modesty, attractive manners and natural beauty made her a favorite with those who met her in the northern city. The new associations afforded opportunity for further education, for she was quick to learn from contact with new found acquaintances.

In conversations with her father she begged that she might not be taken back to Missouri. She feared if he should die she would be sold as other slaves at public auction.

This request somewhat alarmed Mr. Lawrence and he decided earlier than he had anticipated to return to Missouri. On his way back home he stopped at a hotel in Cincinnati where he expected to take passage by steamboat for St. Louis. Matilda tried in vain to have him give her "free papers." She was willing to return with him if he would do this and serve him faithfully. What she feared was her fate if her father should die. He refused, however, to grant her request.

She then decided not to return with him to Missouri. She quietly left the hotel and concealed herself until her father had departed. She later found employment with a white family and in October, 1836, she was employed by the wife of James G. Birney as a nurse in her home. She was very agreeable and intelligent and the taint of negro blood in her veins was not suspected. A slave hunter by the name of John W. Riley learned of the case and accosted Matilda on the street one day in the spring of 1837 and told her that he knew that she was a runaway negro slave. She hastened back to the Birney home and told the story of her past history.

Riley at once undertook to get possession of her. He and his associates kept watch over the Birney home in order that she might not

escape. A warrant was finally issued for her arrest and she was tried in Common Pleas Court before Judge David K. Este of Hamilton County. The three attorneys who appeared for Riley were M. N. McLean, Gen. Robert Lytle and N. C. Read. Salmon P. Chase, who was then a young attorney in the city, made a notable argument in behalf of Matilda Lawrence.

The law was clearly in favor of her. She was not an escaped slave fleeing to free territory. She had been brought into free territory by her master and once thus brought into free territory, under the law, she became herself free.

Riley and his attorneys, however, insisted that she was a slave who had escaped from Missouri into Ohio. The judge, who was himself a strong pro-slavery sympathizer, in spite of the very able plea of Salmon P. Chase, decided in Riley's favor, and she was hurried away to slavery and the auction block.[2]

Among those who listened to the arguments in this famous case was a young student of the Cincinnati Medical College. He became deeply interested in the unfortunate woman and the scholarly and eloquent plea of her attorney, Salmon P. Chase. Someone in the courtroom remarked that it was a pity that a young man with Chase's ability should become interested in a case that was certain to make him unpopular with influential men in Cincinnati. This aroused an opposing sentiment in the medical student and he said to himself, "There is a man I can and will vote for whenever I have the opportunity."

Afterward Chase and the medical student met and became acquainted.

Matilda was remanded back to slavery and brought a big price at public auction. Nothing further appears to be known of her history. James G. Birney was arrested under the "black laws" of Ohio for harboring her. He was, however, ably and successfully defended by Salmon P. Chase.

The medical student was none other than Dr. N. S. Townshend, who afterwards became famous as an educator in Ohio and was largely instrumental in aiding to establish the State University.

His opportunity came in after years to remember Salmon P. Chase. He and Col. John F. Morse were elected members of the General Assembly of Ohio in 1848. They were elected as independent free soil men and the two leading political parties were so equally divided in the General Assembly that Townshend and Morse had the balance of power which they might throw to either the whigs or the democrats. They were abolitionists and were eager to have "black laws" of the state, which grossly discriminated against colored free citizens, repealed.

A United States senator and judges of the Supreme Court were to be elected by the General Assembly. Morse and Townshend first agreed to support Joshua R. Giddings for United States senator and the whig candidates for the Supreme Court with the understanding that the whig members of the General Assembly would aid in the repeal of the "black laws." Giddings was a well known abolitionist, so strong in his opposition to slavery that some of the whig members refused to support him.

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[2]The learned and able argument of Mr. Chase was heard by Este with the ostentatious courtesy of a judge who had already made up his mind. The refusal to discharge was from the first a foregone conclusion. As soon as it was pronounced by the judge, the young girl, sobbing in her terror, was seized by three stout hired ruffians, hurried through the crowd, placed in a carriage in waiting, driven rapidly to the wharf, and taken by ferryboat to Covington, where she was put in jail for safe keeping. The same night she was transferred to a steamboat bound to New Orleans. There she was sold at public auction to the highest bidder. What became of her afterward was never known. The price she brought was large, and, rumor said, was divided equally between the kidnapper and his three attorneys. None of the blood money was offered to Judge Este, who performed his part of this crime against humanity and law without fee or reward and with perfect decorum; and, probably, none of it went into the hands of the father.

William Birney, in James G. Birney and His Times.

Townshend and Morse then went to the democrats with the proposal to elect Salmon P. Chase, who in his earlier years was a democrat, and four judges selected by the democratic members of the Legislature with the understanding that the democrats were to join in the repeal of the "black laws." The democrats accepted the proposition and the agreement was successfully consummated.

Salmon P. Chase was elected United States senator, judges satisfactory to Morse and Townshend were chosen and the grossly unjust "black laws" of Ohio were repealed. Chase drew the bill which Colonel Morse introduced to accomplish this repeal. Chase afterward rapidly rose to state and national distinction. He became governor of Ohio, secretary of the treasury in the cabinet of Abraham Lincoln and chief justice of the Supreme Court of the United States. Doctor Townshend served one term in Congress, was a member of both houses of the General Assembly and a delegate to the second Constitutional Convention of Ohio. He was a member of the first faculty of the Ohio State University. One of the buildings of that institution bears his name.

The fate of Matilda Lawrence aroused much sympathy, even in the City of Cincinnati where pro-slavery sentiment was then strong, but this did not save her. It may be truly said, however, that her immolation on the altar of slavery hastened the repeal of the "black laws."

From Colonization to Immediate Emancipation

Of all the organizations formed for the amelioration of the condition of the negro, the mitigation of race hatred and the ultimate abolition of slavery, the most popular for some time was the Colonization Society. It appealed to the South as well as to the North. Some of its prominent members even hoped that it might banish sectionalism and unite all the states in an effort to provide against the evils resulting from slavery.

In the slave states, especially in Virginia, Maryand and Kentucky, the solution offered by the Colonization Society was received with much favor. It was supported, (1) by slaveholders, who saw in it an opportunity to remove from their midst the free negroes who were a source of irritation and insubordination to the slave population; (2) by those who were convinced that slavery was morally wrong and who were ready to emancipate their slaves if provision could be made for their future where they would not be a source of agitation and subject to ill treatment; (3) by citizens of the free states who were opposed to slavery and wished to rid the whole country of its unfortunate victims, who believed that it would be better for the negro and the white man if the former could be transfered to a distant shore where he could develop a civilization and institutions of his own, free from social contact with the whites and the demoralizing influence of racial antipathy; (4) by abolitionists who regarded it as a step towards emancipation and an agency for the immediate accomplishment of practical results of advantage to their cause.

The early abolitionists gave serious consideration to colonization. Osborn and Lundy discussed it in their papers, and the latter made an effort to establish a colony in Mexico. James G. Birney was so favorably impressed with it that he began his labors in behalf of the colored race—in behalf of both races—as an agent for the Colonization Society. He gave up a lucrative law practice and devoted himself with eloquent zeal to the cause, visiting the principal cities of the Southern states, addressing Legislatures and, wherever he could find sufficient support, establishing branches of the society. If this work had commenced earlier and had been pushed with vigor, it might have been rewarded with a larger measure of achievement. It finally failed because, (1) it was not favored by the Southern states with the exception of those already named and possibly Tennessee and North Carolina; (2) it was assailed by the radical abolitionist who questioned its sincerity and denounced

it as impractical and inhuman; (3) it was opposed by the negroes who regarded it with suspicion as a device of the white man to transport them to a distant land where they would be subjected to new hardships and dangers distorted and magnified in their crude and superstitious imaginations.

The objections of the radical abolitionist might have been ignored and the opposition of the uneducated and apprehensive negro could have been disregarded, but the hostility of the rising and dominating influence of the slave power of the South could not be overcome by the appeals and persuasive influence of the Colonization Society.

So far as Ohio was concerned, the fate of colonization as a panacea for the ills of slavery was sealed in the great debate in Lane Seminary. This is worthy of a monograph yet to be written. Following is the spirited account of Gen. William Birney:

"In February, 1834, the famous debate at Lane Seminary on slavery began, having been suggested and promoted by Arthur Tappan, who was the most generous benefactor of the seminary, and who, in the preceding December, had become president of the newly organized American Anti-Slavery Society. It was continued through eighteen sittings, held at intervals, and closing in April. It was the most able and thorough discussion of the subject ever held in this country. The participants were eighty students of theology. In age they ranged from twenty-one to thirty-five. Some of them had been lecturers for religious and benevolent societies. A few were noted as platform speakers. Of these Henry B. Stanton was one of the best. The leader, however, was Theodore D. Weld. He had already gained a reputation throughout the West and Southwest for effective oratory. As a speaker on temperance and education he had no equal. Profoundly religious in temperament, sympathetic with all human emotion, nobly simple in manner, free from thought of self, he touched the springs of the human heart with a sure hand. No revivalist—not even Finney or Moody—could bear his hearers to such heights of passion or through such a wide range of feeling. They wept or laughed with him, and did not suspect that they had listened to one of nature's greatest orators until they remembered that no one had ever before so moved them, and felt a consciousness of living on a higher plane than before they had heard him. His diction was copious, and his language so apt that every thought found natural expression. Poetry, pathos and humor gave variety to his eloquence, and purity and love were its atmosphere. He catered to no prurient taste; uttered no malice; sharpened no phrase so that its venomed point might rankle in another's breast. He was incapable of hate; his great soul was full of compassion for the oppressor and the oppressed. Secretary Stanton and Wendell Phillips pronounced him the foremost orator of his time; they might have added 'and one of the greatest men.' He had none of the vanity of leadership, no egotism, no pretentiousness. He had been an abolitionist from boyhood, had traveled through the South, and was well informed in regard to the nature and effects of slavery. His knowledge and pervasive influence informed the Lane Seminary debate lifting it to the height of its subject. As it progressed, its results were published in the Journal, a Cincinnati religious weekly, to which Mr. Birney was a subscriber. When in May the Lane Seminary students, burning with enthusiasm and well equipped with arguments, set out to abolitionize the Northwest, they carried with them the sympathies of the leading emancipationists in Kentucky."[1]

The influence of this series of discussions and the action of the divinity students in withdrawing from Lane Seminary prepared the way for harmonious action in favor of immediate emancipation at the meeting of the Ohio Anti-Slavery Society at Putnam (now included in the City of Zanesville) in 1835. In the call for this meeting "all persons

[1]Birney, James G. Birney and His Times, pp. 135-136.

who advocated the principles of immediate emancipation without expatriation" were invited to attend. The date fixed for the meeting was April 22, 1835.

Prior to this time there had been a number of local anti-slavery organizations in Ohio. The first of which there appears to be authentic record was the Union Humane Society, organized by Benjamin Lundy at Saint Clairsville in 1815. A society was formed by Rev. Dyer Burgess at West Union in 1818. The Aiding Abolition Society of Monroe County was in existence as early as 1826. The society at Ripley was organized at an early date. In 1826 the Emancipation Society was formed at Zanesville, its expressed object being "the total extinction of slavery in the United States at the earliest practicable period." It was reorganized July 4, 1833, as the United States Constitution Society. In 1836 it became the Putnam Anti-Slavery Society. The Columbiana Abolition Society was organized at New Lisbon, January 6, 1827 and at the end of three months numbered 500 members. Its motto was "Abolition without condition or qualification."

The Ohio Anti-Slavery Convention was called to unite the various local societies for more effective work. One hundred and ten delegates, representing anti-slavery societies in twenty-five counties, responded to the call.[2] These societies had each its separate constitution and platform of principles. These differed in form and detailed purpose. However, all were willing to unite in support of the principles announced in the call.

Those who met in the Village of Putnam on the afternoon of April 22 numbered many of the veteran workers in the cause. Some of them afterward attained distinction in its service. A number of the delegates had been residents of the state for only a short time. Those who had been active anti-slavery workers in Ohio for more than ten years were John D. Mahan, Col. Robert Stewart, Col. William Keys, John Rankin, Samuel Crothers, William Dickey, James Dickey, and John Wallace. The last five were Presbyterian ministers and immigrants from slave states. Other prominent members were Levi Whipple, Horace Nye, Henry C. Howells, Elizur Wright, Hiram Wilson, Theodore D. Weld, Henry B. Stanton, James A. Thome, Horace Bushnell, Augustus Wattles, James B. Finley, and William T. Allen. Among the less prominent but devoted members were a number of Quaker representatives from the eastern part of the state, including Joseph Bailey, Nathan Galbreath and James Hambleton, who were pioneer opponents of slavery. The entire list of delegates is a notable one and every name should have a place in this record.

Col. Robert Stewart of Ross County was chosen president of the convention; Elizur Wright of Portage County, first vice president. At the head of the list of vice presidents of the newly formed society was Alexander Campbell of Brown County, although he does not appear to have been in attendance. Theodore D. Weld, the great anti-slavery orator, was a very active member from Hamilton County, as were also the eminent divine, Horace Bushnell, Henry B. Stanton, afterward the husband of Elizabeth Cady Stanton, and Augustus Wattles,[3] superintendent of the privately supported colored schools in Cincinnati, who

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[2]See list of delegates appended to this chapter.

[3]Augustus Wattles was born in Goshen, Connecticut, August 25, 1807. He moved to Ohio in 1833, locating in Cincinnati, where he at once became active in the anti-slavery cause. In the spring of 1855 he went to Kansas, settled near Lawrence and for a time was editor of the Herald of Freedom. In 1857 he moved to a farm in Linn County, Kansas, on which he lived until his death, December 19, 1876. He was an intimate friend of John Brown in Kansas and became so obnoxious to the pro-slavery party that a reward of $1,000 is said to have been offered for his head. In company with Thomas Wentworth Higginson and Col. James Montgomery he was active in planning for the liberation of John Brown from the jail at Charlestown. For particulars of this plan see Kansas Historical Collections, Vol. VIII, p. 213.

was afterward to gain fame in battling for the cause in "bleeding Kansas." One of the two members from Brown County was Rev. John Rankin,[4] who figured in the rescue of Eliza, the heroine of "Uncle Tom's Cabin."

James G. Birney of Danville, Kentucky, James A. Thome of Augusta, Kentucky, William T. Allen of Huntsville, Alabama, and Ebenezer Martin of Washington County, New York, were present and by vote of the convention made "corresponding members" with the privilege of participation in the proceedings. Birney's fame had preceded him and he was well received by the convention.

The business of the afternoon session progressed promptly and systematically and bore evidence of the fact that it had been carefully considered before the meeting. A committee appointed to nominate officers for the convention reported at once and the following officers were duly elected: Col. Robert Stewart of Ross County, president; Hon. Elizur Wright of Portage County, vice president; Col. William Keys of Highland County, second vice president; Henry B. Stanton of Hamilton, Timothy Hudson of Medina and James T. Claypool of Fayette, secretaries.

Provision was made for the following committees:

1. On declaration of the sentiments of the convention on the subject of slavery.
2. To draft a constitution for a state Anti-Slavery Society.
3. To draft resolutions.
4. To prepare an address to the churches.
5. To draft a petition to Congress for the abolition of slavery and the slave trade in the District of Columbia.
6. To report on the condition of the colored population of this state.
7. To consider and report on the laws of the State of Ohio, with reference to the colored population within its limits.
8. To prepare a report on the American slave trade.
9. To nominate delegates to represent this convention at the meeting of the American Anti-Slavery Society, to be held in the City of New York in May next.

Seven members were duly appointed on each of these committees and the convention adjourned to meet at eight o'clock on the following day. The reports of these committees, especially those on resolutions, declaration of sentiment including plan of operation, constitution, address to churches, condition of the people of color in the state and the laws of Ohio relating to colored people are valuable contributions to the history of the anti-slavery movement in the state. The declaration of sentiment on the subject of slavery which was reported by the chairman of the committee, Mr. Weld, is especially strong and concludes as follows:

"Solemnly consecrated to the cause of emancipation, immediate, total and universal, we subscribe our names to this declaration. The principles which it embodies we will, by the grace of God, forever cherish and fearlessly avow, come life or death. We may perish but they shall endure."

This declaration is signed by all of the members of the convention. The report of the committee on the condition of the colored people of Ohio covers a number of pages in the printed proceedings and is an illuminating and dispassionate statement of the condition of the negro population of Ohio at that time. It includes the report of the anti-

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[4]Rev. John Rankin was born in Jefferson County, Tennessee, February 4, 1793. As early as 1814 he was actively engaged in organizing against slavery. About the year 1821 he came to Ripley, Ohio. Through the succeeding years of his long and eventful life he was a consistent opponent of slavery. Eight of his sons and one grandson fought for the North in the Civil war. He died in Ironton, Ohio, March 18, 1886.

slavery society "late of Lane Seminary" on the condition of the colored people in the city of Cincinnati which was signed by Augustus Wattles, John W. Alvord, Samuel Wells, H. Lyman and Marius R. Robinson.

Col. William Keys of Highland County presented the report of the committee on the laws of Ohio. This is a brief survey and arraignment of the "black laws" of the state which flagrantly discriminated against the colored inhabitants and rendered their condition in some sections deplorable.

In the declaration of sentiment there is the following statement of the views of slavery entertained by these abolitionists:

"This is slavery—slavery as it exists today, sheltered under the wings of our national eagle, republican law its protector, republican equality its advocate, republican morality its patron, freemen its body guard, the church its city of refuge, and the sanctuary of God and the very horns of the altar its inviolable asylum. Against this whole system in itself, and in its appendages, in its intrinsic principles, and in its external relations, we do with one accord, in the name of humanity and eternal right, record our utter detestation and enter our solemn protest. Slavery being sin we maintain that it is the duty of all who perpetrate it immediately to cease; in other words that immediate emancipation is the sacred right of the slaves and the imperative duty of their masters.

"By immediate emancipation we do not mean that the slaves shall be deprived of employment and turned loose to roam as vagabonds. We do not mean that they shall be immediately put in possession of all political privileges any more than foreigners before naturalization or native citizens not qualified to vote, nor that they shall be expelled from their native country as the price and condition of their freedom. But we do mean that instead of being under the unlimited control of a few irresponsible masters, they shall receive the protection of law, that they shall be employed as free labourers, fairly compensated and protected in their earnings, that they shall have secured to them the right to obtain secular and religious knowledge, and to worship God according to his word. We maintain that the slaves belong to themselves, that they have a right to their own bodies and minds, and to their own earnings; that husbands have a right to their wives, and wives to their husbands; that parents have a right to their children and children to their parents, and that he who plunders them of these rights, commits high handed robbery and is sacredly bound at once and utterly to cease. We maintain that every master ought immediately to stop buying and selling men, women and children, immediately to stop holding and using them as property, immediately to stop robbing them of inalienable rights which they have never forfeited. In a word we say to the master, it is your duty to emancipate your slave immediately, that is, to stop taking away from the slave those things which belong to him and to leave him unmolested in the possession of his body and soul, his earnings, his wife and his children, as you are in the possession of your body and soul, your earnings, your wife and children."

Before adjourning, the convention appointed six delegates to represent the Ohio Anti-Slavery Society at the meeting of the American Anti-Slavery Society to be held in New York City the following May and passed resolutions for the circulation of petitions to the Legislature of Ohio praying for the repeal of the "black laws" and requesting cooperation of the women of Ohio "in efforts to procure the abolition of slavery in the District of Columbia."[5]

The second meeting of the Ohio Anti-Slavery Society called in the printed proceedings "the first anniversary of the Ohio Anti-Slavery Society" was held near Granville, Ohio, in the barn of Ashley Bancroft

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[5]Proceedings of the Ohio Anti-Slavery Convention, held at Putnam, 1835, pp. 1-54.

on April 27-28, 1838. The number of members enrolled had grown from 110 the previous year to 195. The report of the secretary indicated a most encouraging growth as the result of united effort within the past year. Here is a paragraph indicating the progress of the movement.

"One year ago there were about twenty anti-slavery societies in Ohio. We have now on our list 120 regularly organized associations: the largest of these contains 942 members, several of them have from two to five hundred. Some from twenty to forty, one of eleven—the majority range from forty to 100. The whole number is conjectural—many societies have failed to report and some of these we set down as they were at the time of their organization and of others we know only what is shown in the appendix. We think the aggregate (membership) will not vary much from 10,000."

In addition to the secretary's report there is an address to the women of Ohio and the churches of the state. Resolutions were again passed "to press unceasingly upon Congress the duty of abolishing slavery and the slave trade in the District of Columbia" condemning the "black laws" of the state as "highly oppressive" and "at variance with the spirit of the constitution." The following resolution was also adopted:

"Resolved, That the thanks of this society be respectfully tendered to Ashley Bancroft for the use of his barn on this occasion; and that we heartily forgive the unkindness of that portion of our fellow citizens, which rendered it necessary to hold our meeting in so unusual a place."

A resolution was adopted to raise $5,000 to be appropriated to anti-slavery purposes. This was reconsidered and amended by making the amount $10,000. Four thousand, five hundred dollars was subscribed on the spot.

Eleven delegates were chosen to represent the society at the meeting of the American Anti-Slavery Society in New York the following May.[6]

After these initial meetings of the state organization interest in the movement continued to grow and agitation extended to every part of the state in favor of "emancipation, immediate, total and universal."

The anniversary meeting of the Ohio Anti-Slavery Convention was the occasion of exciting scenes and incidents that are not set forth in the published proceedings, doubtless because they were for the most part witnessed and experienced immediately after adjournment. Meetings of abolitionists in Granville prior to the convention had been "egged" and the society was urged in the name of peace not to attempt to hold the meeting in the town. This request was acceded to and Mr. A. A. Bancroft, who lived near the village, offered the use of his large barn for the meeting. At this season of the year it was almost empty, and was soon put into very comfortable shape for the accommodation of the delegates and their friends. The barn was afterward known as the Hall of Freedom.

In the mean time a mob had been gradually assembling in the town, determined to annoy the abolitionists. One of the petty offenses of the day was the "bobbing" of the manes and tails of the horses that had brought the delegates and visitors to the convention. The horse of the leader, James G. Birney, was given an especially close cut, and much merriment was made as he rode through the town.

After the close of the convention, which concluded its work in a single session at two o'clock in the afternoon, a procession was formed and was soon on the way to Granville. The mob was in waiting. The mayor was conveniently absent. As the procession passed along the street there were hoots and jeers and an occasional egg, curving swiftly and gracefully through the air, found its mark. When the delegation of women appeared, some one yelled, "Egg the squaws," and the mob responded with a veritable shower of hen fruit.

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[6]Report of the First Anniversary of the Ohio Anti-Slavery Society, held near Granville, 1836, pp. 1-53.

Some of the abolitionists of the masculine persuasion forgot their "non-resistant principles" and a number of personal encounters developed along the line of march. There were fisticuffs and the whack of a club was occasionally heard.

Some interesting mix-ups were reported. A young man arrayed with the mob vigorously protested against the indignities offered the women and found himself in a violent encounter with one of the more radical rioters. While it is claimed he came off triumphant, he had finally to flee with a number of wounds and bruises as a reward for his gallantry.

There are conflicting reports, but it is perhaps fair to assume that the honors in the physical contest were about equally divided. The procession quickened its pace and was soon beyond the reach of the arms and missiles of the mob.

The net result of the affair was very naturally an accession to the ranks of the local abolitionists. Good citizens who had no sympathy with anti-slavery agitators or the mob felt that their town had been disgraced by the riot and exerted their influence for law and order. Anti-slavery meetings were later held here without molestation, though the spirit of opposition in Licking County continued to be pronounced.

Some verses, commemorative of the affair, entitled, "A Parody on the Mob at Granville, 1836," have been preserved. The concluding four stanzas read:

But Granville saw another sight
When mobites rushed to furious fight
Commanding drunken fiends to light
Upon the ladies suddenly.

The riot deepens, on, ye slaves!
Who rush with fury on the brave.
Wave, mobites, all your cudgels wave,
And charge with all your chivalry.

Then shook the town with riot riven;
Then rushed the mob by fury driven,
And then in savage yells to heaven,
Loud shouted the mobocracy.

Ah! few shall part where many meet
Without a broken head to greet
Their captain when he comes to treat
The mobites for their gallantry.[7]

Ohio Anti-Slavery Convention

Held at Putnam, April 23-24, 1835

List of Delegates by Counties

Ashtabula

Rev. Eliphalet Austin
Rev. Henry Cowles
Alpheus Cowles
A. Sillcase

Brown

Rev. Robert Rutherford
John B. Mahan
Rev. John Rankin
Stephen Riggs
Joseph A. Dugdale
Abraham Pettijohn

Butler

William H. Rogers
William S. Rogers

Belmont

Rev. Jacob Coon

Champaign

David S. Hollister

Columbiana

Joseph Bailey
Nathan Galbreath
James Hambleton

Cuyahoga

Harmon Kingsbury, Esq.

[7]Bushnell, Henry, The History of Granville, pp. 299-307.

Fayette

Rev. William Dickey
Col. James Stewart
Joseph S. Gillespie, Esq.
William A. Ustick
James T. Claypoole, Esq.
Hugh Ghormley

Geauga

Ansel Bridgeman
Jonathan M. Tracy
Timothy B. Hudson
Chiles T. Blakesley

Harrison

Rev. William Sloan
William Lewis
James Wallace
Hugh Stevenson
Robert Vanhorn

Hamilton

Rev. Horace Bushnell
George Clark
William Poe
Theodore D. Weld
John T. Pierce
Benjamin Basset
S. W. Streeter
Henry B. Stanton
Huntington Lyman
George Whipple

Cincinnati

Augustus Wattles
William Holyoke
John Melindy
William Donaldson

Highland

Rev. Samuel Crothers
Col. William Keys
Samuel Smith
Col. Thomas Rodgers
Joseph G. Wilson
James A. Nelson

Hocking

Rev. Luke Dewitt

Licking

Isaac Whitehead
Dr. William W. Bancroft
Samuel H. Ward
Joseph Linnell
William Whitney
William S. Roberts

Lorain

Rev. John Monteith

Medina

Charles Olcott, Esq.
Timothy Hudson, Esq.

Morgan

Stephen H. Guthrie
Hiram Wilson

Muskingum

Levi Whipple
Joseph Shepard
Horace Nye
Henry C. Howells
William Wiley
Albert G. Allen
John Lewis
Albert A. Guthrie
Dr. James C. Brown
Thomas Tresize
William F. Hunt
Rev. John Wallace
David Wallace
Mathew Gillespie
John Sheward
Hiram McFarland
Rev. John Hunt
John Jamison
Moses Wiley
John Wiley, Jr.
David Warner

Perry

James Huston
M. M. Cushing

Pickaway

Rev. Robert V. Rogers
Dr. James B. Finley

Pike

Rev. Gamaliel C. Beaman

Portage

Elizur Wright, Esq.
Greenberry Keen
Asahel Kilborn
Ralph M. Walker
Rev. Benjamin Fenn
Rev. William Beardsley
Philo Wright
T. H. Barr

Ross

Rev. James H. Dickey
George Brown
Rev. William Gage
Rev. Hugh S. Fullerton
Rev. James Dunlap
Col. Robert Stewart
James Johnson

Stark

Abraham Baer

Trumbull

Rev. Alvan Coe
C. H. Bidwell
James Loughead

Corresponding Members

James C. Birney, Esq., Danville, Kentucky.
James A. Thome, Augusta, Kentucky.
William T. Allan, Huntsville, Alabama.
Ebenezer Martin, Washington County, New York.

CHAPTER III

THE UNDERGROUND RAILROAD

The Underground Railroad may be defined as a route by which slaves secretly escaped from their masters to freedom. The destination was usually Canada, for negroes were never sure of their continued freedom while they remained in the United States. They could flee to the free states and abide there for a time under the protection of friends, but they were continually in danger of being arrested and returned to their masters. When once they passed beyond the borders of the United States into the British possessions to the North, they were permanently free and could not be legally remanded to slavery.

The origin of the term Underground Railroad is uncertain. There are traditional accounts of how it came into use but these are not very satisfactory. According to one of these, a negro escaping from his master in Kentucky was so closely pursued when he reached the Ohio River that he leaped into the river and swam across. His master could not follow him and was delayed to find a skiff and finally effect a passage. He sought the fugitive in Ripley where he felt he must have landed, but he could find absolutely no trace of him. He was mystified and provoked and remarked that "the nigger must have gone off on an underground road." This suggestion amused some of the persons who heard it and "Underground Road" finally came to designate the route by which fugitives escaped. This designation, when railroads made their advent and were the subject of popular comment, was changed to "Underground Railroad."

Another story is to the effect that a slave escaping from his masters to Southeastern Pennsylvania could usually be traced without much difficulty to Columbia, but there all traces were invariably lost. A baffled pursuer on one occasion declared that "there must be an underground railroad somewhere," and this expression soon afterward gained currency in that section and spread to others. The date assigned to this origin was much earlier than the building of railroads in this country; hence this is a rather improbable story.

In fact the origin of the term has not yet been satisfactorily accounted for and there appears to have been no serious effort to trace its first appearance in our literature. It is not a matter of great consequence, however, as its significance is readily and definitely understood.

Slaves escaped from their masters in colonial times and at an early period of our history they were aided in their effort to find their way to freedom. As early as 1786 George Washington wrote two letters in which he reported the escape of slaves. In one of these he definitely refers to a society of Quakers in the City of Philadelphia, formed for the purpose of liberating slaves, and intimates that this society is probably responsible for the disappearance of the particular slave that he mentions. Levi Coffin, the Quaker from North Carolina who was so active and successful in aiding slaves to escape from their masters, had even while he remained in the South assisted slaves in fleeing from that state. This was prior to 1800. In the Centinel of the Northwestern Territory a few advertisements appeared offering rewards for the return of fugitive slaves. It is more than probable that as early as 1793 and 1794 there were settlers in the Northwest Territory along the Ohio

River who were aiding slaves in their effort to escape from their masters.

When Ohio was admitted into the Union and the Quakers began to come in greater numbers from North Carolina and settle in the state, negroes were still further encouraged in their efforts to gain their freedom. These efforts were by no means confined to the State of Ohio but, because of its geographical location between the slave states and Canada and the character of the early settlers from New England and from the Quaker settlements of North Carolina and Pennsylvania, the number of slaves escaping through Ohio was larger than through any other state.

Levi Coffin directed his labors chiefly from Cincinnati and its vicinity. It is said that he was instrumental in helping 3,000 slaves to Canada and freedom. What the value of these slaves may have been, of course, is conjectural, but if they were worth only $100 each their aggregate value would have been $300,000 and if they were worth only $500 each their value in money was $1,500,000, a not inconsiderable sum in our time and a relatively much larger sum in the early half of the last century.

The Ohio River, flowing in sinuous curves from the point at which it crossed the Pennsylvania border to the Indiana line, was throughout almost its entire course an inviting objective to slaves escaping from their masters. Once across the river, they were not only in free territory but had placed that river between themselves and their pursuers. More important than this, they were in a region where they usually could find white citizens who sympathized with their effort to escape. There were a number of points along this river through which branches of the Underground Railroad passed into Ohio and northward. Among these points were the following: Salineville, Steubenville, Wellsburg, Wheeling, New Athens, Moundville, Marietta, Parkersburg, Point Pleasant, Gallipolis, Burlington, South Point, Ironton, Portsmouth, Rome, Manchester, Ripley, Moscow, New Richmond, Cincinnati.

North of points along the Ohio there was a perfect network of branches of the Underground Railroad. From some of the points the branches would proceed for a distance and then divide and subdivide, making it somewhat difficult to trace the courses accurately. In the northeastern part of the state, where the Quakers and New England settlers were comparatively numerous, there were many branches of the system. In the southwestern portion northeast of Cincinnati, where there were many Quaker pioneers, the same condition is evident. These branches led northward to the shore of Lake Erie. The following points were reached by branches: Conneaut, Harbor, Painesville, Cleveland, Lorain, Sandusky, Toledo.

From the Lake Erie shore the fugitives found passage by boat to Buffalo, Port Burwell, Port Stanley, Pelees Point and Detroit. These points, with the exception of Buffalo and Detroit, were in Canada and those two were so close to the border that the fugitives, once arriving there, were virtually at the end of their journey to the British Dominions and freedom.

The following routes indicate only roughly the roads followed by slaves crossing the Ohio River to their destination on the shores of Lake Erie. Only a reference to the map in Siebert's "The Underground Railroad" can give an idea of the network presented by this system that was in operation at various periods almost from the organization of the Northwest Territory to the Civil war. The main lines of travel represent by no means all the cities and towns that had a part in the activities of the Underground Railroad. Of course it is to be borne in mind that only a few persons in many of these places aided slaves in escaping from their masters. Severe penalties were attached to violation of the fugitive slave laws and this fact imposed great secrecy on all who had a part in the operation of the Underground Railroad. The

following cities and towns indicate the general direction of some of the principal routes:

1. Salineville, New Lisbon, Poland, Youngstown, Brookfield, Hartford, Gustavus, Andover, Conneaut.
2. Salineville, New Lisbon, Canfield, Austintown, Edinburgh, Warren, Bloomfield, Rome, Lenox, Austinburg, Ashtabula, Harbor.
2a. Warren, Newlyme, Jefferson, Ashtabula.
3. Salineville, New Lisbon, New Garden, Canfield.
4. Steubenville, Germans, New Garden.
5. Wheeling, Mount Pleasant, Cadiz, Annapolis, Hopedale, Kilgore, Scroggsfield, Mechanics Town, Hanoverton, New Garden, Canfield.
6. Moundville, New Athens, Hopeville.
7. Marietta, Rainbow, Summerfield, Cambridge, Washington, Newcomerstown, Coshocton, Massillon, Marlborough, Ravenna, Cleveland.
7a. Massillon, Tallmadge, Hudson, Cleveland.
8. Parkersburg, Morgans; Putnam, Concord, Coshocton, Millersburg, Holmes, Wooster, Saville, Oberlin, Elyria, Cleveland.
9. Point Pleasant, Rutland, Albany, Hubbards, Athens, Trimble, Deavertown, Putnam, Coshocton.
10. Gallipolis, Rio Grande, Vinton, Albany, Hubbards, Athens.
11. Ironton, Olive, Oak Hill, Jackson, Albany, Athens.
12. Burlington, Rio Grande.
13. Portsmouth, Chillicothe, Columbus, Delaware, Mount Gilead, Iberia, Mansfield, Greenwich, Norwalk, Milan, Sandusky.
13a. Oberlin, Florence, Sandusky.
13b. Columbus, Granville, Utica, Mount Vernon, Fredericktown. Mansfield.
13c. Delaware, Mount Gilead, Cardington, Iberia.
14. Manchester, West Union, Locust Grove, Hillsboro, Greenfield, Washington Court House, Charleston, Columbus.
15. Ripley, Russell, Sardinia, Hillsboro.
16. Ripley, Russell, Sardinia, Wilmington, Xenia, Springfield, Lewisburg, Pickerellton, Zanesfield, Kenton, Dunkirk, Arlington, Findlay, Bowling Green, Perrysburg, Toledo.
16a. Kenton, Sandusky.
17. Moscow, Williamsburg, Wilmington.
18. New Richmond, Williamsburg, Wilmington.
19. Cincinnati, Lebanon, Yellow Springs, Troy, Wapakoneta, Lima, Ottawa, Grand Rapids, Perrysburg, Toledo.

The importance of Ohio as a field of operation of the Underground Railroad is inferred from a directory of names of "operators" published in an appendix to Siebert's "Underground Railroad." While a complete list of these is obviously unattainable, the names gathered by years of industrious research, correspondence and personal interviews is an index of value as to the comparative activity of the system in different states. The names of 1,543 "operators" in Ohio are given by counties, almost as many as in all other states combined. Of this number about an even 100 were colored.[1]

Estimates of the number of slaves that escaped from their masters vary widely. In the absence of definite figures there was a disposition on the part of the enthusiastic supporters of the system and the representatives of the masters who had been "despoiled of their property" to overestimate the number of runaway slaves who gained their freedom. A prominent citizen of Maryland declared that the loss to that state in a single year from escaping slaves was $80,000 and to Virginia for

[1]The number of underground workers in Ohio was 1,540; in all other states 1,670. Siebert, "Underground Railroad," p. 351.

the same period $100,000 while an eminent Kentuckian asserted that the loss from his state amounted to "hundreds of thousands of dollars annually." Senator Polk of Missouri fixed more definitely the yearly loss to Kentucky at $200,000 and declared that of his own state proportionately larger. The United States census shows that only 1,011 slaves escaped from their masters in 1850, and 803 in 1860. However, a very large decrease in the slave population of the states bordering on the free states is shown for those years. This is believed to indicate that the number escaping was much larger than reported to the census enumerator. This decrease is probably also partly due to the insecurity of this species of property, which led owners in these states to sell their slaves to masters farther south.

A conservative estimate of the number of slaves that escaped through Ohio prior to the Civil war places the total at not less than 40,000. It was probably much larger.

The property loss to the South was greater, however, than the value of the slaves escaping from their masters. The insecurity of such property lowered the money value of slaves who made no effort to escape. Especially was this true in the border states, where the loss thus occasioned was very great.

The moral influence of the Underground Railroad can not be estimated in dollars and cents. It was a source of continual agitation in Ohio. Peaceable, law abiding citizens, who had no sympathy with slavery or abolitionists, were not infrequently reminded right at home of the sad lot of the slave making a desperate effort to escape from bondage in a land dedicated to the proposition that all men are created free and equal. Such citizens were rudely brought face to face with the fact that while they might let slavery alone slavery would not let them alone. Every rescue case made converts to the anti-slavery cause.

The suggestion that the Underground Railroad was "a safety valve for slavery," that it helped to rid the South of the spirited and insubordinate slaves who were a source of trouble to their masters and potential leaders of servile insurrections, is perhaps worthy of consideration, but it certainly never appealed to slaveholders.

The feeling of the South toward those who were aiding slaves to escape can readily be understood. Believing that they had a right to this species of property, they regarded the systematic efforts of those who would deprive them of this right without due process of law as rascals and thieves. The law was with them. From the foundation of the government constitutions and laws had provided for the return of slaves to their masters. The directors of the Underground Railroad were violators of the law of the land and nullifiers of the constitutional mandates. Their answer to the charge was an appeal to the Declaration of Independence and the "higher law" that requires all men "to remember those in bonds as bound with them."

Had it been possible to enforce an absolutely effective fugitive slave law, the attempted secession of the Southern states would have been long postponed. The Underground Railroad was the chief agency that prevented the rigid enforcement of such a law, that precipitated secession and the Civil war. Ohio's part in its operation is therefore a matter of historic interest and national importance. The nondescript vehicles that went lumbering over this network thoroughfare with their sable passengers ultimately opened up the way for the rebirth of the Nation and were a dominant influence in the final deliverance of four million slaves from a "debasing thralldom."

The thrilling experiences of the operators of the Underground Railroad were numerous and exciting. Many of them that were locally recorded have been forgotten. Some that found their way into newspapers beyond the limits of the state have not been noticed in volumes generally accessible. A goodly number, however, are rescued from oblivion and give a somewhat adequate view of the dangers and diffi-

culties of this traffic prior to the year 1860. The most famous case of all is that of Eliza Harris, immortalized in "Uncle Tom's Cabin." The most trustworthy account of her dramatic escape has been recorded by Levi Coffin, "the Reputed President of the Underground Railroad," in his "Reminiscences." It is here quoted verbatim:

The Story of Eliza Harris

Eliza Harris, of "Uncle Tom's Cabin" notoriety, the slave woman who crossed the Ohio River near Ripley, on the drifting ice with her child in her arms, was sheltered under our roof and fed at our table for several days. This was while we lived at Newport, Indiana, which is six miles west of the state line of Ohio. To elude the pursuers, who were following closely on her track, she was sent across to our line of the Underground Railroad.

The story of this slave woman, so graphically told by Harriet Beecher Stowe in "Uncle Tom's Cabin," will, no doubt, be remembered by every reader of that deeply interesting book. The cruelties of slavery depicted in that remarkable work are not overdrawn. The stories are founded on facts that really occurred, real names being wisely withheld, and fictitious names and imaginary conversations often inserted. From the fact that Eliza Harris was sheltered at our house several days, it was generally believed among those acquainted with the circumstances that I and my wife were the veritable Simeon and Rachel Halliday, the Quaker couple alluded to in "Uncle Tom's Cabin." I will give a short sketch of the fugitive's story, as she related it.

She said she was a slave from Kentucky, the property of a man who lived a few miles back from the Ohio River below Ripley, Ohio. Her master and mistress were kind to her and she had a comfortable home, but her master got into some pecuniary difficulty, and she found that she and her only child were to be separated. She had buried two children and was doubly attached to the one she had left, a bright, promising child over two years old. When she found that it was to be taken from her, she was filled with grief and dismay and resolved to make her escape that night if possible. She watched her opportunity and when darkness had settled down and all the family had retired to sleep, she started with her child in her arms and walked straight toward the Ohio River. She knew that it was frozen over at that season of the year and hoped to cross without difficulty on the ice, but when she reached its banks at daylight, she found that the ice had broken up and was slowly drifting in large cakes. She ventured to go to a house near by, where she was kindly received and permitted to remain through the day. She hoped to find some way to cross the river the next night, but there seemed little prospect of anyone being able to cross in safety, for during the day the ice became more broken and dangerous to cross. In the evening she discovered pursuers nearing the house, and with desperate courage she determined to cross the river or perish in the attempt. Clasping her child in her arms she darted out of the back door and ran toward the river, followed by her pursuers, who had just dismounted from their horses, when they caught sight of her. No fear or thought of personal danger entered Eliza's mind, for she felt that she had rather be drowned than to be captured and separated from her child. Clasping her babe to her bosom with her left arm, she sprang on the first cake of ice, then from that to another and another. Sometimes the cake she was on would sink beneath her weight, then she would slide her child on to the next cake, pull herself on with her hand and so continue her hazardous journey. She became wet to the waist with ice water and her hands were benumbed with cold, but as she made her way from one cake of ice to another, she felt that surely the Lord was preserving and upholding her and that nothing could harm her.

When she reached the Ohio side near Ripley, she was completely

exhausted and almost breathless. A man who had been standing on the bank watching her progress with amazement and expecting every moment to see her go down, assisted her up the bank. After she had recovered her strength a little he directed her to a house on the hill, in the outskirts of town. She made her way to the place and was kindly received and cared for. It was not considered safe for her to remain there during the night, so, after resting awhile and being provided with food and dry clothing, she was conducted to a station on the Underground Railroad a few miles farther from the river. The next night she was forwarded on from station to station to our home in Newport, where she arrived safely and remained several days.

Other fugitives arrived in the meantime and Eliza and her child were sent with them, by the Greenville branch of the Underground Railroad to Sandusky, Ohio. They reached that place in safety and crossed the lake to Canada, locating finally at Chatham, Canada West.

In the summer of 1854 I was on a visit to Canada, accompanied by my wife and daughter and Laura S. Haviland of Michigan. At the close of a meeting which we attended, at one of the colored churches, a woman came up to my wife, seized her hand and exclaimed: "How are you Aunt Katie? God bless you!" etc. My wife did not recognize her, but she soon called herself to our remembrance by referring to the time she was at our house in the days of her distress, when my wife gave her the name of Eliza Harris, and by relating other particulars. We visited her at her house while at Chatham and found her comfortable and contented.[2]

This is a very satisfactory report from an authoritative source and leaves no doubt that Eliza Harris was a real person and that the simple relation of her thrilling escape across the Ohio can gain little by the most spirited narration. Levi Coffin, as in his other stories of escaping slaves, has given us no specific dates. Incidentally he has stated the year of his visit to Canada when he and his wife again met Eliza Harris.

The Case of Thomas Mitchell

Early in 1832, the City of Dayton was startled by the appearance of the agent of a slaveholder from Kentucky who laid claim to a negro who, under the name of Thomas Mitchell, had lived there for more than two years. He was taken before the justice of the peace on the charge that he was a slave who had escaped from his master. The evidence against him was not sufficiently strong to satisfy the court and he was discharged.

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[2]One of the earliest and most successful "conductors" of the "road" was John Rankin. * * * He was the pastor of the Presbyterian Church at Ripley for thirty-three years. His house was situated on a hill three hundred feet high, overlooking the Ohio river, and could be seen for a great distance from the Kentucky side. The light which every night shone from the windows became the beacon light for thousands of fugitives pursuing their journey to the northland of freedom. Rankin's home was one of the first and most frequented "depots" along the route. George Harris and Eliza of "Uncle Tom's Cabin" fame stopped here and after receiving food and dry clothing were hurried on to the Underground Railroad.—Charles T. Hickok, in "The Negro in Ohio," pp. 161-162.

In the autumn of 1850 a party of three came by the Underground to Sandusky, the story of whose escape has brought tears to the eyes of multitudes, not only in this country but in Europe; yes, in every home where "Uncle Tom's Cabin" has been read and where the story of Eliza Harris and her little boy crossing the Ohio River on the ice is known. George Harris, her husband, escaped some time after his wife, Eliza, had fled with her little boy, and they all, after several months, safely reached Sandusky, where for two days they were secreted; Eliza cutting short her hair and dressing as a man, her little boy dressed as a girl and claimed by a kind-hearted white woman as her own, for Eliza and her boy were almost white. This was the party that on a beautiful day boarded the steamer Arrow at Sandusky at a time when Eliza's master was on the wharf, and after a few hours all were safely landed at Malden on the free soil of Canada.—Judge Rush R. Sloane in The Firelands Pioneer, July, 1888, p. 46.

Scarcely had he settled down to his usual mode of life and recovered from the fright occasioned by his arrest, when the agent returned with a number of armed men and, seizing Mitchell on the street, hurried him out of town where they had planned to carry him off in a sleigh. The negro set up loud and pitiful cries, imploring a number of citizens on the street, whom he recognized, not to permit them to take him away. The agent and his armed assistants were soon surrounded and compelled to appear with the negro before the justice of the peace again.

New evidence was produced and there appeared to be no doubt that he had been the property of the claimant, and that under the fugitive slave law in force the agent was entitled to carry him away. It appears that he was an industrious, inoffensive man and that during his brief residence in Dayton he had made many friends who were distressed at his unhappy fate. They proposed to the agent to raise money and purchase the freedom of Mitchell. This seemed to satisfy the agent and he consulted with the master to arrange for the sale. The master was obdurate, however, and absolutely refused to become a party to such an agreement. He finally came himself to claim and carry away his property.

The negro and his master first met in the upper story of a house. Mitchell grew desperate at the thought of being taken back to slavery and, rushing to the window, made a wild effort to leap through it. He was prevented and his master proceeded with him to the City of Cincinnati. On the evening of January 22 Mitchell was taken to a hotel in the city where his master stopped for the night. The slave was placed in a room on the fourth story and a guard stationed to prevent his escape.

All was thought to be safe for the night, but the slave did not sleep. At about one o'clock he leaped out of the window to the pavement fifty feet below—and to liberty. His dead body was taken by his master who promised to give it a decent burial.

This case, resulting in suicide, appealed to the sympathy of those who knew Tom, as he was familiarly called in Dayton, and to a much larger circle who read the story of his tragic escape from slavery.

Some one has said that, so far as sentiment was concerned, the Ohio River did not mark the boundary between the North and the South prior to the Civil war; that the dividing line was farther north; that the river tier of counties belonged really to the South. Gen. Ulysses S. Grant, in his "Memoirs," recorded some very definite statements in regard to the pro-slavery sentiment of Brown County and Georgetown in particular. It is not true, however, that this sentiment predominated throughout the entire number of river counties. Commencing with Washington County the river counties to the north, with a single exception, were strong in their northern sympathy. In Cincinnati, as has already been stated, the sentiment almost up to the Civil war was strongly pro-slavery. A number of tragic experiences growing out of the efforts of slaves to escape had occurred in the Queen City of the West, but it took more than a "Matilda case" or the suicide of Thomas Mitchell to sway the opinion of the good people of that city. They blamed all these tragic occurrences upon the abolitionists who were encouraging slaves to flee from their masters in open violation of the laws of the land.

The Margaret Garner Case

Soon after the election of Samuel P. Chase to the governorship of Ohio a slave hunt in the vicinity of Cincinnati led to a tragedy that horrified the state. The account here presented is for the most part paraphrased from a letter written ten years afterward by Chase.

On the night of January 27, 1856, a party of slaves escaped from Kentucky and took refuge in the house of a colored man living near

Cincinnati. Among the fugitives were an aged man named Simon Garner, his wife, Mary, a son also named Simon, Margaret, the wife of this son, and their four children. They were tracked by slave hunters and warrants for their arrest were granted on the day following. The United States marshal with a party of deputies and men claiming the slaves hastened to the house where the fugitives had taken refuge. Their entrance was disputed by the younger Simon, who fired four shots at the party from a revolver before he and his companions were captured. While the struggle was in progress Margaret, the wife of Simon, became greatly excited and temporarily crazed at the thought that she and her children were to be carried back to slavery. Brandishing a butcher knife she cried aloud that she would kill her children before they should be taken. Before anyone could stay her desperate hand she succeeded in killing one of the children, a little girl ten years of age.

The slaves were finally overpowered and conveyed by police to prison. When the facts of the capture and the slaying of the child became publicly known, the city was horror struck at the deed. Here was another demonstration of the dread in which negroes held slavery. Once escaping, they preferred death for themselves and their children rather than a return to bondage. In the presence of such a tragedy as this, it was futile to talk of the benevolent ministrations of the institution of slavery.

Citizens who were interested in the fate of these slaves took steps at once to prevent their return to Kentucky. A writ of habeus corpus, returnable to the probate judge of the county, was issued and the slaves were taken into custody by the sheriff and lodged in the county jail where they were held for a hearing. The purpose, of course, was to prevent their arrest and trial by the United States authorities who would doubtless return them promptly to Kentucky.

The probate judge proceeded at once to Columbus to confer with Governor Chase in regard to the proper course of procedure. The governor, whose residence had been for years in Cincinnati before he was elected, understood very well the pro-slavery sentiment of that city. In the election he received in Hamilton County only 4,518 votes out of 23,280. The opposition to him was divided between the democratic and know-nothing candidates and represented the combined opposition to his anti-slavery principles. He hesitated to advise the judge, not because he feared the hostile sentiment in Cincinnati, which he had faced on more than one occasion, but because he doubted the propriety of advising a judge in regard to a decision that he should render. But he gave the information that was really desired, when he stated "that the process of the state courts should be enforced in every part of the state, whether in Hamilton or any other county"; and authorized the judge "to say to the sheriff that in the performance of his duty he would be sustained by the whole power at the command of the governor."

The case was delayed and the captives were alternately, by writs of habeus corpus, brought before the local court and the United States District Court. The final hearing was before the latter. Five hundred deputies were employed to carry out the decree of the United States district judge and the prisoners were taken from the Hamilton County jail and hurried across the river to Kentucky where they were soon claimed by their masters and returned to slavery. Thus ended another fugitive slave tragedy in the City of Cincinnati.

Rush R. Sloane Fined $3,000 for Aiding Fugitives

Sandusky was a very important port of debarkation for fugitive slaves on their way to Canada. Many efforts were made at this point prior to the Civil war to prevent their progress to the land of freedom.

The case of Rush R. Sloane, later a judge and one of the most prominent citizens of Erie County, has frequently been told. It is here presented as he related it himself in a paper read before the Firelands Historical Society, February 22, 1888:

"I will now give as briefly as consistent with accuracy an account of the first fugitive slave prosecution and excitement which occurred under the Fugitive Slave Act of 1850; not only in the Firelands, but in the United States, and with which the speaker was somewhat prominently connected. This case resulted in my being convicted under said act, the defense of which occupied my time quite a portion of two years, and I was finally compelled to pay $3,000 in damages, $330.30 in court costs and $1,000 attorney fees. My neighbors at Sandusky, incensed at the results of the case, organized a committee consisting of Capt. T. C. McGee, W. F. Stone and George Anderson, to solicit funds for the purpose of assisting me to defray the costs and expenses I had been adjudged to pay. These gentlemen collected $393 which paid the court and marshal's costs; I insisted that I should pay the judgment without regret, which I did; and that I must have the honor and satisfaction of handing it down as an heirloom to my children. * * *

"But to proceed with my story. On the afternoon of the twentieth day of October, 1852, the City of Sandusky was the scene of very great excitement growing out of the arrest of two men, two women, and three children by some Kentuckians aided by O. Rice, then city marshal. Three of the slaves were claimed by one Lewis F. Weimer, and four by Charles M. Gibbons. The slaves had arrived by the afternoon train, and were going on board the steamer Arrow at the time of her departure for Detroit.

"The negroes were forcibly dragged ashore and taken at once to the mayor's office. The citizens were told by the marshal, as he flourished his cane, that it was a legal arrest, and the fugitives would be discharged should the mayor so decide. It was only on this understanding that he was suffered to take the negroes through the streets to the mayor's office, a distance of over half a mile, without molestation. Meanwhile Mr. S. E. Hitchcock, John Irvine and John B. Lott came hurriedly into my law office and requested me to appear before the mayor and learn if the negroes were properly arrested and legally detained. Upon reaching the mayor's office we found the negroes there, and the room filled with excited people; pistols and bowie knives were in the hands of many. After waiting a short time I asked by what authority were these persons held in custody? There was no reply. 'Are there any papers or writs to show why they are held?' There was no reply. I then said, speaking to the men who sought my services, 'I see no authority for detaining these prisoners,' and at this John B. Lott, a colored man, cried out in an excited voice, 'Hustle them out.' Immediately the people carrying the negroes along crowded out of the office, and as they started one of the Kentuckians, all of whom had been standing near during the whole proceedings, turned to me and said, 'Here are the papers, I own the negroes; I'll hold you individually responsible for their escape.' I gave him the consoling reply that I was 'good for them.' The above facts substantially were published in the Sandusky Register at that time.

"The negroes were that same night placed in a sail boat in charge of trusty conductors, and were received from the small boat the next day by Capt. James Nugent, a nobleman, now dead, then living at Sandusky, and secreted on board the vessel he commanded, and on the second day after were safely landed in Canada. Soon after two suits were commenced against me in the District Court of the United States, at which time the whole state constituted the district and Columbus the place where the courts were held. At the October term, 1854, the cases came on for trial. In the case of Charles M. Gibbons, who claimed to own four of the slaves, against Rush R. Sloane, the court instructed

the jury that the power of attorney was defective and to find a verdict in favor of the defendant. In the case of Lewis F. Weimer, the man who owned three of the slaves, against Rush R. Sloane, the plaintiff obtained judgment for $3,000 and costs, which on motion the court refused to set aside. Hon. Henry Stanbery and one Coffin were the attorneys for the plaintiff. Hon. Thomas Ewing, the father of the present Hon. Thomas Ewing, H. H. Hunter and S. F. Vinton were attorneys for the defendant. Judge Levitt presided."

The Rescue of Abby Kelley Salem

On Monday, August 28, 1854, occurred the rescue of a slave girl in Salem, Ohio, under circumstances that entitle it to a place in this record. The story of this rescue has been briefly related in print with varied and conflicting details. Fortunately it is now possible to tell it from the testimony of eye witnesses, written at the time and worthy of all confidence. The newspapers are now at hand which give in very satisfactory form the contemporaneous accounts.

On the above mentioned date the Western Anti-Slavery Society was holding in Salem the concluding session of its annual convention. This was the afternoon of the third day. The previous sessions were held in a large tent not far from the railroad station. The final session, it seems, was held in the Hicksite Quaker Church, still standing on Ellsworth Street. Such is the testimony of a few persons still living who were present at this memorable session. A contributor to the Liberator, who was present and sent an account to that paper, states that the meeting was in progress "about a quarter of a mile from the railroad station," and that accords with the location of the church.

At about 3 o'clock in the afternoon a telegram was received in Salem stating that a train bearing a slaveholder, his wife and a girl slave, had left Pittsburg for the West and would pass through the town at 6 o'clock that afternoon. This telegram was taken to the convention, the speaker on the floor was interrupted and the message was read. This stirred the audience. The speaker asked if they believed their professed principles and were ready to march to the station to rescue the slave. With one impulse the assembly rose to their feet and were soon on their way to meet the incoming train.

In the meantime the news had spread through the town and many citizens joined the convention delegates. They reached the station before the train was due, improvised a speaker's stand and were addressed by Charles C. Burleigh of Massachusetts, Rev. Griffing of Connecticut and others.

A committee was appointed to board the train when it arrived. On this committee were Henry B. Blackwell, of Cincinnati, and a colored man of Salem. The latter was chosen because it was assumed that the slave girl would be frightened and that she would have confidence in one of her own color.

The crowd at the depot had been growing and excitement had reached a high pitch when the 6 o'clock train pulled in. Some of the citizens engaged the conductor in conversation while the committee entered the coach and soon located the slave. She was a child, evidently about twelve years of age. In answer to a direct question from a member of the committee, "Do you desire to be free?" the child answered "Yes."

The girl's master and mistress objected to any interference with their property, insisting that she belonged to them and was on her way to Tennessee. Thereupon Mr. Blackwell informed them that the child was legally free, lifted her bodily from the seat, carried her out of the car and joined the crowd which sent up a great cheer. The girl was soon taken to a place of safety. She was much frightened at the large

crowd and strange surroundings. As they were taking her from the train she said:

"Oh don't pull me to jail."

"No, no," said one of the rescuers, "we'll not put you to jail, we have no jails here."

"What, have you no jails?" she said.

"No," was the answer, "but why do you ask?"

"Because," said she, "they take us to the jail when we are sold. Have you no watch-house either?"

"Oh no, why should we have a watch-house?"

"Why, they take us to the watch-house to be whipped."

The west bound train that brought the slave girl was delayed at Salem half an hour to pass the east bound train which was late. The crowd did not leave the depot but used a large store box as a speaker's platform from which Charles C. Burleigh regaled them with one of his most eloquent addresses. When finally the train bearing the slave-holder and wife started westward, a great meeting in the town hall for that evening was announced and with another triumphant cheer the rescuers left the railroad station. That evening there was a great ringing of bells, calling the people to the meeting in the town hall, "Liberty Hall," the "Faneuil Hall of the West," as it has been called, and the people came in numbers that exceeded its capacity.

The slave girl was brought to the rostrum. An eye witness stated to the writer that she was led forth by a white girl about her own age. There was cheering and someone in the audience called out "Which is the slave?" and then there was more applause and an appropriate song. The meeting was addressed by Henry B. Blackwell of Cincinnati, Reverend Griffing of Connecticut, Charles C. Burleigh of Massachusetts, and Marius Robinson and Henry Ambler of Salem. Burleigh, as usual, spoke in his scholarly, serious and eloquent vein; Ambler swayed the audience with alternate sallies of humor and stirring appeals. The meeting reached its appropriate climax when the little girl was again brought forward and named "Abby Kelley Salem," after the famous Quaker woman whose oratory had done so much to advance the anti-slavery cause in the West and the town which organized and successfully carried out the rescue.

The following resolution was unanimously adopted:

"Resolved, That in tendering our thanks to those our friends who were actively engaged in this day's rescue of a living soul from the fate of a chattel, Salem sends greetings to her elder cities, Cincinnati, Pittsburg and Boston, inviting them 'to go and do likewise.'"

The meeting then "adjourned to meet again at the depot or elsewhere when a similar occasion might call them together."

This incident illustrates the spirit of Salem in the interesting decade before the Civil war. The citizens there and in many communities in Northeastern Ohio found genuine enjoyment in the advocacy of their favorite reform. Anti-slavery meetings and conventions were fountains of enthusiasm from which they freely drank. The anathemas and showers of eggs with which they were assailed in earlier years no longer marred their gatherings. The tide of popular favor was at last turning strongly in their direction. They rejoiced in the controversy and the prospect of the fruition of their labors.

The rescued slave girl lived many years in Salem, at first in the family of Joel McMillan. She attended the public schools and grew up with many of the advantages of white children. In disposition, however, she did not exhibit the traits that some enthusiastic anti-slavery workers were wont to ascribe rather indiscriminately to the colored people. Mrs. McMillan late in life said that some of the characteristics of Mrs. Stowe's Topsy were manifest in Abby Kelley Salem.[3]

[3]Ohio State Archaeological and Historical Society Publications, Vol. XXX, pp. 380-385.

The Oberlin-Wellington Rescue

In the month of January, 1856, John Price, a negro lad aged eighteen years, escaped from his master, John G. Bacon, a citizen of Mason County, Kentucky. He found his way to Oberlin, the seat of Oberlin College, from a very early date a center of anti-slavery influence, a station on the Underground Railroad and a "city of refuge" to fugitives from the land of bondage. Finding the atmosphere of Oberlin congenial, John, like other sons of Ham, concluded that he would tarry here and extend his sojourn indefinitely.

Here he remained unmolested until late in August, 1858. At that time a man by the name of Anderson Jennings, a neighbor of John G. Bacon, was in Oberlin looking for some slaves who had escaped from his uncle's estate. While here he learned that the fugitive, John Price, was in the town and so notified his friend Bacon by letter. Armed with a power of attorney and accompanied by agents of the United States Government, Jennings proceeded to plan the capture of John, a rather delicate undertaking in the Town of Oberlin, where almost every citizen was an anti-slavery warrior and the entire body of college students were political or actual crusaders for the rescue of the bondsman.

"Almost every citizen," not everyone, as we shall see. A farmer near Oberlin by the name of Boynton consented, for a consideration, to aid in the capture and restoration of the colored property and sent his son, Shakespeare Boynton, to inveigle John Price into the country to get work and then turn him over to the slave hunters. The ruse succeeded and John was arrested September 13th and hurried to the Village of Wellington about eight miles distant, where he was taken to a hotel by his captors to await the arrival of the south-bound train.

The citizens of Oberlin, a portion of whom were colored, were continually on their guard against slave hunters. They soon discovered that John was missing and that he had been spirited away in the direction of Wellington.

The alarm spread rapidly. Horses and vehicles were requisitioned without formality. Merchants, bankers, doctors and lawyers rushed to the street and joined the flying expedition to Wellington. Class rooms were unceremoniously emptied and students and their professors, with one intent, hatless and heedless of everything except to circumvent the "minions of the slave power," vied with each other in their efforts to shorten the distance between themselves and the captive. "On to Wellington" was the one impelling thought that inspired and directed all.

Who first reached the destination is not known, but there is no doubt that the expedition covered the distance in record time, for that early day. John was still in the hotel, guarded by his captors. Earlier in the day there had been in the village a fire that had attracted many people who were still on the street. When the vanguard from Oberlin arrived they joined and made it indeed an "Oberlin-Wellington" enterprise.

The hotel was promptly surrounded by a great crowd of people. The room in which John was confined was soon located. While some were discussing how he should be liberated "a big black man who had himself been a slave, dashed the door off its hinges, * * * picked John up on his shoulders, rushed down the street, hustled him into a wagon and with break-neck speed drove him somewhere into the country, no one knew where."

The rescue was complete. Oberlin had made good her boast that a slave should never be taken from that town. The would-be captors were glad to get away without bodily injury; and the citizens of Oberlin quietly returned to their homes, well satisfied with the work of the day. Thus ended the first chapter of the "Oberlin-Wellington Rescue."

John Price had escaped. From this time forward he disappeared from the history of the notable rescue so far as his personal presence

was concerned. The case went to the courts where it continued long, in the midst of unabating excitement and publicity that attracted the attention of the whole country. A grand jury, assembled by the United States district judge on December 7, 1858, brought bills against the following citizens of Oberlin and Wellington:

John H. Scott	Franklin Lewis
John Watson	John Hartwell
Simeon Bushnell	Albert Loveland
James R. Shepard	Lewis Hines
Ansel W. Lyman	Matthew Gillett
Henry Evans	Chauncey Goodyear
Wilson Evans	Lorin Wadsworth
David Watson	David Williams
Wm. E. Scrimeger	Henry D. Niles
Henry E. Peck	Eli Boise
James M. Fitch	Charles Langston
William Watson	James Bartlett
Thomas Gena	Robert Windsor
Oliver S. B. Wall	William E. Lincoln
Walter Soules	Jeremiah Fox
William Seiples	John Copeland
Ralph Plumb	James H. Bartlett
John Mandeville	Robert L. Cummings
Mathew De Wolfe	

These, practically without exception, were prominent citizens of the two towns. The same day the marshal of the District Court served notice on fifteen of the Oberlin rescuers who were under indictment and commanded them to appear before the court in Cleveland. In the midst of a large concourse of their fellow citizens who cheered them as they boarded the train, the indicted men, on the following day, started to the Forest City. At Wellington the marshal was not so fortunate. He found a few only of the citizens of the village upon whom he had notices to serve.

With due formalities the trial opened. The Government was represented by United States District Attorney George W. Belden and George Bliss. The rescuers were represented by able counsel. Rufus P. Spalding, former justice of the Supreme Court of Ohio, and later for a number of terms congressman from the Cleveland district; Franklin T. Backus, Albert G. Riddle, congressman and diplomat; and Seneca O. Griswold, soon to appear at Charlestown, Virginia, to defend John Brown, all were eminent lawyers and all volunteered their services free, an emphatic indication of their interest in the cause.

The friends of the men on trial for violating the Fugitive Slave Act of 1850 complained of the partisan spirit manifest in the impaneling of the jury. The partisan clerk, it was claimed, submitted the names of forty citizens from which to choose twelve jurors. Ten of these sympathized politically with the defendants while thirty sympathized with the court. The ten were immediately stricken off by the district attorney and the defense allowed their choice of the remaining thirty.

The jury chosen and charged, the examination of witnesses commenced April 6, 1859, and continued till noon of the seventh day. In the afternoon Judge George Bliss opened for the Government in a speech of two and one-half hours, concluding with the statement:

"People around Oberlin think so little of their government and the statutes of the Federal Government, when they interfere with their sympathies with negro women and men, that they consider their violation a good joke. Is it right any people should impugn the laws of the land, knowing no law but their own consciences? This is a serious question. Any jury of undebauched minds will execute the statutes in the same faith as in any civil or criminal case under statute law."

Mr. Riddle immediately followed for the defense. From the opening of the arguments the courtroom was crowded to its capacity and the sympathy of the auditors was strongly for the men on trial. The address of Mr. Riddle continued through part of the afternoon of the seventh day and until near the close of the eighth. In the midst of his plea he said:

"I have nothing to do with enticing slaves nor sympathy with those who do; but if a fugitive comes to me in his flight from slavery and is in need of food and clothing and shelter and rest and comfort and protection and means of further flight—if he needs any or all the gentle charities which a Christian man may render to any human being under the circumstances, so help me the great God in my extremest need, he shall have them all."

This eloquent outburst was greeted with cheers and long continued applause by the spectators, followed by a protest against "the disturbance" from the district attorney.

Judge Spalding addressed the court and jury for almost an entire day in behalf of the accused rescuers, closing with an arraignment of the Fugitive Slave Law of 1850. Turning to the judge he said in conclusion:

"I hold that so glaringly unjust a decision as the affirmation of the constitutionality of this act can bind no one; and had I the distinguished honor to occupy the seat which is so eminently filled by your honor, full long should I hesitate before I pronounced that to be law which so clearly contravenes the solemn compact of the Constitution and the superior Ordinance of 1787. * * * I should feel bound to pronounce the fugitive law of 1850 utterly unconstitutional, without force and void; though in thus doing I should risk impeachment before the Senate of my country; and, Sir, should such an impeachment work my removal from office, I should proudly embrace it as a greater honor than has yet fallen to the lot of any judicial officer of these United States."

District Attorney Belden in opening the final argument stated that he scarcely knew whether to address "the court, the jury or the audience." "For three days," he said, "the crowd has been addressed, not the court, not the jury." He was especially severe on the indicted men from Oberlin. "Here," said he, "are the saints of Oberlin, Peck, Plumb, Fitch, to whom should be added saints Spalding and Riddle and sub-saint Bushnell—all saints of the Higher Law." He deprecated the disposition to treat with contempt the constitution and the statutes enacted under it. After reviewing the evidence, he asked the jury to bring in a verdict in accordance with the facts and the law of the land. At one or two points in his address the audience gave evidence that it did not approve his line of argument. The sentiment of those who crowded the courtroom was throughout the trial strongly with the accused.

The judge then charged the jury who retired and soon brought in a verdict of guilty against Bushnell, who was the only prisoner thus far placed on trial.

Langston was next tried. There were lengthy addresses by the officers of the United States Government and by Griswold and Backus for the defense.

Attorney Griswold in opening his argument said:

"I quite agree with the district attorney in the desire expressed by him that this case should be tried on its own merits and without reference to any outside influences. It is manifest, however, that this is a case of peculiar interest—that considerable excitement has attended this prosecution and that this case has become and still is a matter of much public remark and comment. I doubt not that the novelty of this prosecution has in part contributed to this; for although we live in district containing over a 1,000,000 inhabitants and not a day's journey

distant from a large extent of slave territory, yet this is the second case which has ever occurred of a prosecution for a violation of the provisions of the Act of 1850 or of that of 1793."

Charles Langston, the defendant, was colored. In calling attention to this fact Mr. Griswold made the following statement of the disadvantages of his client in appearing before a court of justice and begged that he should not, because of his color, be subject to punishment unwarranted by law. In asking this, he said in part:

"My client can have no jury of his race and color, of those who are his peers. Not only is he an alien, but in the view of the law which governs this court he is an outcast. He has no equality, no rights, except as being amenable to the penal statutes. * * * In view, therefore, of this misfortune of his birth—of his color and condition—that he is one of the outcast race—that he has no other right but that of being punished, I ask you the more carefully to consider his case and give him a fair and impartial hearing."

Attorney Backus followed in general the line of argument outlined by Griswold. He did not ask that the law under which his client was tried (the Act of 1850) be declared unconstitutional. He contended that under that law an impartial consideration of the testimony would acquit his client. He spoke at length and made an exhaustive analysis of the testimony. The evidence against Langston was not very strong and his conduct on the day of the rescue exhibited self restraint and respect for the law as well as sympathy for the captive.

The jury pronounced Langston guilty. When asked whether he had anything to say why sentence should not be passed, he answered in a speech that made a profound impression and must stand as one of the most interesting exhibits of this remarkable trial. Langston was well educated and his speech, which was dignified and restrained, was at the same time an impassioned protest against the injustice inflicted upon his race. In a very direct appeal to the district judge, he said:

"In view of all the facts I say, that if ever again a man is seized near me, and is about to be carried Southward as a slave, before any legal investigation has been had, I shall hold it to be my duty, as I held it that day, to secure for him, if possible, a legal inquiry into the character of the claim by which he is held. And I go farther; I say that if it is adjudged illegal to procure even such an investigation, then we are thrown back upon those last defences of our rights, which cannot be taken from us, and which God gave us that we need not be slaves. I ask your Honor, while I say this, to place yourself in my situation, and you will say with me, that if your brother, if your friend, if your wife, if your child, had been seized by men who claimed them as fugitives, and the law of the land forbade you to ask any investigation, and precluded the possibility of any legal protection or redress—then you will say with me, that you would not only demand the protection of the law, but you would call in your neighbors and your friends, and would ask them to say with you, that these your friends could not be taken into slavery.

"And now I thank you for this leniency, this indulgence, in giving a man unjustly condemned, by a tribunal before which he is declared to have no rights, the privilege of speaking in his own behalf. I know that it will do nothing toward mitigating your sentence, but it is a privilege to be allowed to speak, and I thank you for it."

In picturing the plight of his race, Langston said:

"There is not a spot in this wide country, not even by the altars of God, nor in the shadow of the shafts that tell the imperishable fame and glory of the heroes of the Revolution; no, nor in the old Philadelphia Hall, where any colored man may dare to ask mercy of a white man. Let me stand in that hall, and tell a United States marshal that my father was a Revolutionary soldier; that he served under Lafayette, and fought through the whole war; and that he always told me that he

fought for my freedom as much as for his own; and he would sneer at me, and clutch me with his bloody fingers, and say he had a right to make me a slave! And when I appeal to Congress, they say he has a right to make me a slave; when I appeal to the people, they say he has a right to make me a slave, and when I appeal to your Honor, your Honor says he has a right to make me a slave, and if any man, white or black, seeks an investigation of that claim, they make themselves amenable to the pains and penalties of the Fugitive Slave Act for black men have no rights which white men are bound to respect."

The accused from Wellington, who participated in the rescue, were encouraged to accept a light sentence and, on April 5, with a single exception, entered a plea of nolle contendere (a plea by a defendant, "which, while not admitting guilt, subjects him to all the consequences of a plea of guilty") and were fined twenty dollars and costs and sent to jail twenty-hour hours. This limited further prosecution to the Oberlin rescuers.

The attorneys for the indicted men had complained that the jury selected to pass judgment on the acts of their clients all belonged to the political party of the Buchanan administration. This claim was not denied. The obvious defense of the district attorney was that only through a jury thus selected could the government hope to secure a conviction. On this question of slavery and the enforcement of the Fugitive Slave Law it was next to impossible to get a verdict from a jury politically divided. Partisanship frequently ruled the court and rendered judgment with small regard for the law or justice.

While the United States District Court was using strong-arm methods to keep faith with the South and punish infractions of the Fugitive Slave Law, the courts of Lorain County, which were administered by men of opposite political faith, had not been idle. The grand jury of that county on February 15, 1859, returned bills of indictment against Rufus P. Mitchell, Anderson Jennings, Jacob K. Lowe, and Samuel Davis "for kidnapping and attempting to carry out of the state, in an unlawful manner, a negro boy named John Price."

These men were the agents of the alleged owner of the slave, John Price. They had thrown themselves technically liable to the state law against kidnapping and the officials of Lorain County, who were evidently in sympathy with the Oberlin rescuers, promptly indicted these men who were chiefly instrumental in getting the prominent participants of the Oberlin-Wellington affair into jail. In a short time the slave hunters were out of jail on bail awaiting trial before the county courts, with prospects of a sentence to the penitentiary.

An interesting collateral development of the trial of the rescuers was the habeas corpus proceedings that brought two of the condemned men, Bushnell and Langston, before the Supreme Court of Ohio. The question involved was the constitutionality of the Fugitive Slave Law. Arguments were made in behalf of the contention that the law was unconstitutional by Attorney Riddle and the attorney-general of the state, C. P. Wolcott. The address of the latter was an extended and illuminating arraignment of the Fugitive Slave Law and a searching analysis of the opinion of the Supreme Court of the United States affirming its constitutionality. This consumed the entire afternoon of May 25th and the forenoon of the following day. The case was then submitted to the court.

Stripped of all verbiage and extraneous matter, the real question at issue was the power of the Supreme Court of a state to declare a national law unconstitutional. In this instance the party contending for states rights was the one that in the near future was to take up arms in support of national supremacy, while the party pleading for the enforcement of a national law and insisting upon the subordination of the state was to reverse its attitude and open fire upon the Government of the United States to enforce by civil war the right of the state

to annul all national laws and to sever the ties that bound them to the Union. In fact, the question of slavery had so divided the people into bitterly hostile camps that they no longer hesitated at nullification, and at times it seemed uncertain which party would first reach that goal.

The decision of the Supreme Court was understood to depend upon the chief justice, Joseph R. Swan. He was a republican and the radical leaders of that party, who were in the ascendancy, were expecting him to decide in favor of the condemned men and against the constitutionality of the United States statute. While Judge Swan was known to be opposed to the Fugitive Slave Law, he did not believe that the Supreme Court of the state could nullify a national law that had been sustained by the Supreme Court of the United States. In the concluding sentence of his decision Judge Swan says:

"If, after more than sixty years of acquiescence by all departments of the national and state government, in the power of Congress to provide for the punishment of rescuers of escaped slaves, that power is to be disregarded and all laws which may be passed by Congress on this subject henceforth are to be persistently resisted and nullified, the work of revolution should not be begun by the conservators of the public peace."

Judges Scott and Peck concurred with Chief Justice Swan, while Judges Brinkerhoff and Sutliff dissented. For this act Judge Swan was denied renomination by his party and soon afterward resigned. His decision, however, saved Ohio from classification with the "nullifiers" and serious complications that must have immediately resulted from a clash of authority between the two Supreme Courts. In speaking of this decision in after years, James H. Fairchild, president of Oberlin College, said:

"A writ of habeas corpus was granted by one of the judges of the Supreme Court, commanding the sheriff to bring Bushnell and Langston before that court, that the reason of their imprisonment might be considered. The case was ably argued before the full bench, at Columbus, for a week; but the court, three to two, declined to grant a release. This was a severe blow to the men in jail. They had counted with much confidence upon relief from that quarter. It is idle to speculate upon the possible results if a single judge had held a different opinion. Salmon P. Chase was governor at that time, and it was well understood that he would sustain a decision releasing the prisoners by all the power at his command; and the United States Government was as fully committed to the execution of the Fugitive Slave Law. This would have placed Ohio in conflict with the general government in defense of state rights, and if the party of freedom throughout the North had rallied, as seems probable, the war might have come in 1859 instead of 1861, with a secession of the Northern instead of the Southern states. A single vote apparently turned the scale, and after a little delay the party of freedom took possession of the government and the party of slavery became the seceders."

Failing in the habeas corpus proceedings, Bushnell and Langston were returned to jail.

Almost coincident with the effort to release the prisoners through the Supreme Court of the state was the great mass convention of the Republicans of the Western Reserve in Cleveland, May 24, 1859. Large delegations came from outside of the city and the people of Cleveland were numerously present. Over 10,000 listened to the speeches delivered from a stand on the public square. Joshua R. Giddings aroused great enthusiasm by his denunciation of the Fugitive Slave Law and his expressed determination to find a way to release the imprisoned Oberlin rescuers. Governor Salmon P. Chase, in a firm but guarded and dignified address, counseled against revolutionary methods and urged the use of the ballot box for the redress of wrongs and the repeal of iniquitous laws. There were also addresses by Joseph M Root,

Reuben Hitchcock, Columbus Delano, D. K. Cartier, John P. Converse, O. P. Brown, Asa Mahan, John Langston (colored), D. R. Tilden, Rufus P. Spalding and others.

Ringing resolutions were adopted, savoring in some of the clauses strongly of state rights, and denouncing the Fugitive Slave Law and the Dred Scott decision. Among the declarations were the following:

"That the Dred Scott decision, reversing all the well-established rules which for ages have been the bulwark of personal liberty, yields its legitimate fruits in the recent atrocities committed in the heart of the Western Reserve, and calls upon us for new efforts and new sacrifices for constitutional liberty.

"That the several states composing the United States of America are not united on the principle of unlimited submission to their general government, but that by compact, under the style and title of a constitution for the United States, and of amendments thereto, they constitute a general government for special purposes and delegate to that government certain definite powers, reserving each state for itself the residuary mass of rights to their own self-government. * * *

"That Joshua R. Giddings of Ashtabula County, Herman Canfield of Medina County and Robert F. Paine of Cuyahoga County be constituted a committee to sue out the writ of habeas corpus in behalf of said prisoners [the Oberlin rescuers] without unnecessary delay, and that they address the application at their discretion to any judicial officer of the State of Ohio having power to grant the writ."

There was a great procession, the delegations from Lorain County alone numbering about 2,000. There was enthusiasm and excitement when they came opposite the jail where the Oberlin men were imprisoned. Sheriff Wightman permitted the prisoners the freedom of the jail yard and the opportunity to shake hands across the fence with their admiring friends. After the procession had broken up the Oberlin and Wellington bands were admitted to the jail yard. In answer to repeated calls some of the prisoners responded with brief remarks.

"We believe," said Professor H. E. Peck, "and your presence here today testifies to us, that the issue of our present griefs will be the making of man hunting upon the reserve a difficult and dangerous pursuit."

"Gentlemen," said Ralph Plumb, "you are here today because you have an intelligent appreciation of the important truth that the right of the meanest inhabitant of our great state can not be ruthlessly trampled under foot, without endangering your own."

"It is a great comfort to us," declared J. M. Fitch, "while enduring this imprisonment, to know that when we who are now incarcerated, have been sufficiently ground between the upper and nether mill-stones of Federal power there are hundreds of thousands more of just such in our noble state, who are ready to enter the hopper as future grists."

It was not entirely due to the fact that he was a colored man that the four minute speech of Mr. Langston aroused enthusiasm. Following is the concluding paragraph:

"The foul spirit of slavery has crushed the rights of the states beneath its iron heel and led the Federal judiciary captive at its despotic will. Shall it, too, crush out the spirit of the free citizens of Ohio? Will you tamely submit to this tyranny and despotism? Will you not defend your own rights, sustain your own liberty and roll back this tide of judicial usurpation which is sapping the very foundation of your country's liberty, so that being free and untrammeled yourselves, you may assist us who are groaning beneath the cruel weight of gigantic wrongs and brutal oppression?"

The days of June passed slowly. The failure of the prisoners to secure release through the intervention of the Supreme Court of Ohio, coming immediately after the great mass meeting in Cleveland, was

somewhat discouraging to them and their friends. The jail now began gradually to take on the aspect of a workshop. Tools were brought in and one man resumed his work as a harness maker; another commenced to make boots and shoes; the students resumed their studies in order not to lose their standing in college; and finally to pass away the time and keep the world advised in regard to their experiences and meditations, the publication of a prison paper was commenced.

On the whole time passed rather pleasantly within the prison walls, while in the state outside the "irrepressible conflict" proceeded with increasing bitterness and more ominous portent. Every day brought visitors with words of cheer and encouragement to the prisoners. They were regarded, not as felons, but as moral heroes. Without their knowledge, however, the days of their detention were rapidly approaching the end.

Whether Joshua R. Giddings and his committee accomplished in a measure the work for which they were appointed is not known. It is more than probable, however, that the indictments hanging over the men from the South for kidnapping and the near approach of the day set for trial was the potential persuader.

The conclusion of the whole affair, so far as court proceedings and penalties were concerned, may be inferred from the following editorial in the Cleveland Plain Dealer, staunch supporter of the Buchanan administration, in its issue of July 6, 1859:

Oberlin Cases Nolled—Higher Law Triumphant

We learn with astonishment that the United States district attorney has nolled the indictment against the Oberlin rescuers now in jail on condition that the Oberlinites will nolle the indictment against the Kentucky witnesses who were under arrest on a trumped up charge of kidnapping. This arrangement, we understand, has been made at the solicitation of the four Kentucky gentlemen, who, while under recognizance of the United States Court to appear here and testify in the rescue cases, were indicted by an Oberlin Lorain jury and arrested while in the discharge of their duty, on a false charge of kidnapping. They were thrust into the Lorain County jail, but were subsequently released on bail. A special term of the Lorain County Court was to be held on the sixth inst. to try them, and a Lorain County jury was all in readiness to send them to purgatory or the penitentiary, without regard to constitutions, courts, or the laws of the land.

An effort was made to get them out of the hands of the Oberlinites by a writ of habeas corpus, issued by Judge McLean, but the sheriff of Lorain hid himself for several days and the probate judge ran away to prevent the bail from surrendering the prisoners up, so that the writ could take effect, and in this way nullified the law and set at defiance that "Great Writ of Right" which these same Oberlinites have resorted to and have had the full benefit of on two occasions since these arrests have been made.

Finding no law in Lorain but the higher law, and seeing the determination of the sheriff, judge and jury to send them to the penitentiary any way, for no crime under any human law, but on a charge trumped up on purpose to drive them out of the country, and having been kept away from their families most of the summer and away from their business at great pecuniary expense to themselves, for the government fees for witnesses do not pay board bills, they proposed to exchange nolles, and the district attorney consented to it. So the Government has been beaten at last with law, justice and fact all on its side, and Oberlin with its rebellious higher law creed is triumphant.

The precedent is a bad one. All these factionists have to do in future, whenever any of their number is arrested for the violation of our statute law, is to pay no regard to the writs of the lower law courts;

but threaten the witnesses with the terror of their own inquisition and enforce the penalties of the higher law. This is Mormonism, with Profesor Peck acting the part of Brigham Young, and it will have to be put down, as Mormonism has been, by the strong arm of military power.

There will be some unearthly shoutings by these triumphant myrmidons of Mormonism. Oberlin will blaze in her new won glory, and Te Deums will be sung in all her churches. There will be a great accession to her calendar of saints. Those immortal men, who, armed with muskets, mobbed the United States officials while in the discharge of their sworn duties, will now be canonized instead of cannonaded, and Saint Peck will be listed with Saint Peter as worthy to hold the keys of Paradise.

The arrangements to nolle charges against all parties was made as stated at the instance of the men from Kentucky. While they had been bailed out of jail, their experiences had been expensive and nerve racking. They determined to end them and through their attorney arranged the terms.

The sudden turn of fortune took the prisoners by complete surprise. The news spread rapidly through Cleveland on the morning of July 6, and friends were soon flocking to the jail to congratulate the released rescuers. A big demonstration was improvised and amid the thundering of cannon they were conducted to the afternoon train which was to bear them back to Oberlin. In response to a call, Judge Brayton delivered a brief but eloquent speech congratulating them and bidding them God-speed.

Many from outside of the college town, who had been identified with the case, including Sheriff Wightman and Jailer Smith, accompanied the rescuers on their triumphant homeward journey.

At Oberlin they received perhaps the most remarkable welcome ever tendered in the state. There was an address by Professor James Monroe, afterwards to serve many years as the representative of the Oberlin district in the Congress of the United States. There were speeches by Doctor Fairchild, president of Oberlin College, other prominent citizens and almost all of the rescuers. Mr. Bushnell, the rescuer first tried and convicted, returned to Oberlin later and was accorded an enthusiastic reception. Thus at last, after a series of exciting incidents that attracted the attention of the state and the Nation, ended happily and triumphantly for the participants, and passed into history, the Oberlin-Wellington rescue.[4]

Ohio's Fugitive Slave Law

In urging her claims for the rendition of fugitive slaves Kentucky became insistent and persistent. She sent a delegation to Columbus and boldly suggested the enactment of a law that would make it more difficult for slaves to escape into Ohio—that would be a decided break on the "car of emancipation" on the Underground Railroad. The delegation found the Ohio Legislature pliant and disposed to yield to their wishes.

On February 28, 1839, only a little more than a month after the visit from the Kentucky delegation, the General Assembly of Ohio enacted the Fugitive Slave Law of 1839. The excuses for this act were set forth in the preamble which read as follows:

Whereas, The United States Constitution states that no fugitive from labor shall escape from the service due, and,

Whereas, The laws of Ohio are inadequate to carry out such provisions, and,

Whereas, Those reaping the benefits of the United States Constitu-

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[4]For detailed account see Shipherd, Jacob R., "History of the Oberlin-Wellington Rescue," Vol. VIII, p. 280.

tion are in duty bound to fulfill the obligations imposed upon them by that instrument, and,

Whereas, It is the deliberate conviction of this General Assembly that the constitution can only be sustained, as it was formed, by a spirit of just compromise, therefore—

Then followed the provisions of the law:

1. It was made the duty of any judge, justice of the peace or mayor of a municipal corporation, on application of a slave owner or his agent, to issue a warrant to any sheriff directing him to arrest the fugitive and bring him for trial before any judge of the county in which he should be arrested. If the claimant could satisfy the court that he had a legal right to the slave then a certificate should be forthwith issued for his removal from the state.

2. Any one preventing or hindering the execution of such warrant or aiding in the rescue or escape of a slave was liable to a fine of not exceeding $500 and imprisonment for not to exceed sixty days.

3. The same penalty was imposed upon anyone who would entice, advise or aid in any way a slave to escape.

The law gave wide discretion to the master in selecting the magistrate from whom to ask the warrant. If one magistrate should refuse to issue it, application could be made to others until he succeeded in getting the warrant.

Case of the Negro, Bill, in Marion, Ohio

In this same year, 1839, an exciting case under Ohio's Fugitive Slave Law occurred at Marion, Ohio, then a village of about 500 inhabitants. A spirited account of it, published in the Marion Visitor, is copied in the Niles Register of September 14, 1839, under the caption, "A Disgraceful Occurrence." The negro Bill was well known in Marion, where he had lived for some time. At the instance of his reputed master in Virginia he was arrested as a runaway slave and lodged in jail awaiting trial, which was fixed for the first day of the sitting of the Court of Common Pleas. The case had aroused unusual interest and the court-room was crowded. The first day was devoted to the hearing of testimony and the arguments of the counsel. The judge reserved his decision for the following day.

Court was called at 10 o'clock A. M. Long before that hour the room was crowded with spectators. Judge Ozias Brown was more than half an hour reading his decision, which was heard with bated breath until at the conclusion he pronounced the prisoner free. This was signal for confusion and disorder.

The representatives of the pretended owner of the negro siezed the prisoner. The by-standers resisted and attempted to rescue him, declaring him free by decision of the court. The Virginians refused to give him up and held the crowd at bay with pistosl, bowie knives, dirks and bludgeons. This increased the excitement and a riot was soon under way.

The Virginians dragged and pushed the negro through the streets, threatening him and the crowd with their pistols and knives. "At this unusual and horrible sight the populace became enraged" and attacked the abductors with stones and other missiles. The Virginians succeeded at length in getting the negro into the office of a justice of the peace where they guarded him and prevented his liberation.

Finally some one raised the cry, "To the arsenal! To the arsenal!" The crowd at once hurried to the arsenal, broke it open, armed themselves and presented a most threatening and dangerous situation. The excited citizens felt that their courts had been defied and their laws trampled under foot by these armed intruders, and they were now determined that the negro should be released at whatever cost. The sheriff and others appealed to them in vain.

At this juncture Associate Judge Thomas J. Anderson forced his way past the armed Virginians into the room where Bill was confined and broke open a rear door through which the prisoner escaped. He was soon overtaken by a Virginian who thrust a cocked pistol in his face and compelled him to stop. A citizen hurried up and knocked the Virginian down. In quick succession the remaining abductors were subdued. The negro, restored to liberty, made his escape, most probably to the land of freedom on the other side of Lake Erie.

Order was not restored on that memorable day in Marion until the abductors were arrested and placed under bond.

The Ohio Fugitive Slave Law of 1839 proved unsatisfactory.[5] Many citizens of the state thought it was bad policy to thus truckle to a delegation from another state in order to please and appease them. It began to look as if the Virginians and Kentuckians wished not only to dictate what laws Ohio should pass, but how those laws should be interpreted and applied by the courts. This act was repealed January 19, 1843.

Case of a Fugitive Slave Named John

Considerable excitement attended this case, which was brought under the "black laws" of Ohio in 1841. It began in Newark under Judge Hughey. At the instance of Samuel White, who espoused the cause of the fugitive, the case was postponed and by writ of habeus corpus transferred to Granville where the hearing was before Judge Bancroft. Attorneys White, Stanbery and Eells defended the negro. The court found that the arrest, "as it had been brought about," was unconstitutional and the negro was released. "Knock off those shackles," shouted Attorney White. "No fetters here. John, you are a free man. Run, John, run for your life and liberty." The shackles were instantly removed and the fugitive, in the midst of tears and fervent thanks to "Massa White," was hurried out of the room and soon borne away on a fleet horse from immediate danger of re-arrest. At the earliest opportunity he took passage on the Underground Railroad to Canada and liberty.[6]

The Van Zandt Case

This case was carried to the Supreme Court of the United States for final adjudication. John Van Zandt, the original of John Van Trompe in "Uncle Tom's Cabin," was an aged farmer, a Kentuckian by birth and an abolitionist from principle. He had moved from his native state to Ohio and acquired a small farm near Cincinnati.

On April 23, 1842, he met on the road nine slaves who had escaped from Kentucky and were on their way to freedom. They included a husband and wife and three children. In answer to appeals of the fugitives, Van Zandt consented to take them a distance in his wagon. When they were about sixteen miles north of Cincinnati, they were overtaken by two slave hunters, Hargraves and Hefferman, who with the aid of some pro-slavery associates, captured all the slaves but two of the men, who made good their escape. The captured fugitives, without warrant or other legal formality, were hurried to Covington, Kentucky, and lodged in jail. The two slave hunters received $450 as their reward.

The owner of the slaves, Wharton Jones, sued Van Zandt under the Fugitive Slave Law of 1793. The case was tried before Justice McLean in Cincinnati in July, 1842. Van Zandt was ably defended by Salmon P. Chase and Thomas Morris, former United States senator and later

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[5]Hickok, C. T., "The Negro in Ohio," pp. 170-173.
[6]Bushnell, "The History of Granville," pp. 307-308.

candidate for vice president of the United State on the Liberty Party ticket. The decision was against Van Zandt and he was fined $1200 in damages and $500 additional for violating the act of 1793. The case was argued before the Supreme Court of the United States in December. James T. Morehead, United States senator from Kentucky, appeared for Wharton Jones and William H. Seward and Salmon P. Chase for Van Zandt. The finding of Justice McLean was sustained and Van Zandt had to pay the penalty.[7]

The Milton Clark Rescue Case

In September, 1842, a fugitive by the name of Milton Clark was captured in Lake County and by writ of habeus corpus was released in Ashtabula County and at once took flight by the Underground Railroad. An account of the case was published in the Geneva Times, September 14, 1892.[8]

Marysville Rendition Case

In September, 1844, two fugitives captured on the Scioto River, near Marysville, Union County, were returned to slavery. An account of this case was published in the Marysville Tribune of May 17, 1893.[9]

The Watson Case

This case is interesting chiefly because of the numerous legal points raised by Salmon P. Chase in defense of his client, Samuel Watson, who was brought on board the Ohio Bell to Cincinnati by an agent named Hoppess, on the morning of January 21, 1845. Soon after the arrival of the boat Watson was missing. In the evening he was found by Hoppess on the landing, siezed and on the following morning taken before a magistrate to obtain a certificate authorizing his removal under the Fugitive Slave Law of 1793.

Judge M. C. Read, of the Ohio Supreme Court, issued a writ of habeus corpus requiring Hoppess to justify the detention of Watson. Hoppess claimed that "Watson was a slave in Virginia whose master had taken him thence to Arkansas; that the master had returned to Virginia and died there, after having sold Watson to a man named Floyd; that as the agent of Floyd he, Hoppess, had gone to Arkansas, obtained possession of Watson and was returning with him to Virginia, when, the boat having arrived in Cincinnati early in the morning, Watson escaped." It appeared that the negro was making no attempt to escape. What his purpose was in going ashore and why Hoppess rushed to the magistrate to arm himself with authority to proceed with the slave is not apparent.

The counsel for Watson were Chase, Johnson and James G. Birney. The points upon which they insisted were:

1. That there had been no escape; 2. That the escape, if there was one, was from one place in Ohio to another place in the same state, and so not within the constitutional provision as to escaping servants, nor the provisions of the Act of 1793; 3. That the boat, at the time of the escape, was within the State of Ohio, being fastened to the Ohio shore and within low-water mark; to which line, by consent of all, the territory of the state extends, and beyond this line, it was insisted, to the middle of the river; 4. That the holding of persons as slaves in Arkansas was repugnant to the treaty with France, which provided for the admission

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[7]Schuckers, J. W., "Life and Public Services of Salmon P. Chase," pp. 53-66.

[8]Siebert, Wilbur H., "The Underground Railroad," p. 370.

[9]Ibid, p. 370.

of all the inhabitants of the territory to the immunities of citizens of the United States, and also the fifth amendment to the constitution, which declares that no person shall be deprived of liberty without due process of law and applies, at least, to all national territories and states created out of such territories, and that Watson, having been taken by his alleged master from Virginia to Arkansas was free there and could not be reclaimed; 5. That the Act of 1793, relating to fugitives from service, was unconstitutional, that no power was conferred by the constitution upon Congress to legislate on the subject; * * * 6. That the Ordinance of 1787 confined the right of reclaiming escaping servants, as to the territory of the United States northwest of the Ohio River and as to the states erected out of it, to cases of escape from the original states, and that Watson, not having escaped from an original state, could not, therefore, be reclaimed as a fugitive from service.[10]

Judge Read decided that the agent had a right to proceed with the slave, as the landing of the boat at Cincinnati was only an incident of transportation from Arkansas to Virginia, but Chase and his associates found much satisfaction in the finding of the court that—

"Slavery is wrong inflicted by force and supported alone by the municipal power of the state or territory in which it exists. It is opposed to the principles of natural justice and right and is the mere creature of positive law. If a master bring his slave into the State of Ohio he loses all power over him. If the master take his slave beyond the influence of the laws which create the relation, it fails; there is nothing to support it, and they stand as man and man. The slave is free by the laws of the state to which he has been brought by the master, and there is no law authorizing the master to force him back to the state which recognizes the relation of master and slave. At one time I was of opinion that he had the right of passage through a free state with his slave. This would probably harmonize with the spirit of the compromise upon the subject. But upon more careful examination, I am satisfied the master must lose his slave if he brings him into a free state, unless the slave voluntarily returns to a state of slavery; because the master loses all power over the slave by the law of the state to which he has brought him and there is not other law authorizing the master to remove him. The constitution of the United States only recognizes the right of recapture of a fugitive held to service in one state escaping into another."[11]

The Parish Case

This case, also referred to as the "Jane Garrison Case," is described in the Firelands Pioneer of July, 1888, by Judge Rush R. Sloane, who was familiar with all the details. After giving an account of the effective work of Mr. F. D. Parish in aiding fugitives to escape and detailing particularly his assistance in successfully defending two slave boys before an associate judge of Erie County and helping them on their way to Canada Judge Sloane says:

"It was not, however, for aiding these boys to escape that Mr. Parish was sued, but for the part he took in behalf of other slaves which these same Kentuckians sought to reclaim on the same day, of which latter case the circumstances were as follows:

"There were at this same time two colored persons, Jane Garrison and her little boy, Harrison, stopping at the house of Mr. Parish. The son of the man claiming to own them called at Mr. Parish's house to see them and stated to Mr. Parish that he was there to reclaim them, that they were the property of his father, Peter Driskell, of Kentucky. Mr. Parish asked by what authority, and the reply was by power of

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[10]Schuckers, "Life of Salmon P. Chase," pp. 75-76.
[11]Ibid, p. 77.

attorney, offering to produce it. 'You need not show it,' said Mr. Parish, 'as nothing but judicial authority will do.' The slaves went into the house and were not seen afterward. Suit was brought in the Circuit Court of the United States against Mr. Parish for the value of the slaves, and a jury found a verdict against him for hindering and obstructing the arrest and awarded damages against him in the sum of $500, the proved value of the slaves at the time of their escape. The amount of the judgment and cost and expenses in the suit, $1,000 in all, was collected by subscription in sums of one dollar each and presented to Mr. Parish."

The offense for which this fine was imposed occurred in Sandusky early in March, 1845.

The Case of Jerry Finney

This was a case of a few novel thrills and distinctive features. The opening acts were in March, 1846. Jerry Finney, a colored man, had been a resident for some years in Columbus, Ohio. He had a wife and children. William Henderson was a justice of the peace in Franklinton. On request, Finney brought a trunk late one evening from one of the hotels to the office of Henderson. The office was dark. Only a feeble light was given from the fire in the stove. Finney was suddenly seized by seven men who proceeded to bind him hand and foot. A candle was then lighted and he was told that he was a fugitive slave and must return to Kentucky.

He then asked for a trial and an opportunity to show that his master had given him his freedom years before. This was refused. One of the abductors, Alexander C. Forbes, produced papers and swore to the identity of Finney. After a few other formalities the negro was rushed into a hack and started southward.

A colored boy who accompanied Finney with the trunk was detained until it was thought the kidnappers had time to make good their escape. As soon as he was released he spread the alarm and there was at once great excitement in the city. A party was organized and started in pursuit, hoping to overtake the abductors before they reached the train at Xenia. Arriving at the station they found that the train with Finney and his captors was on its way to Cincinnati.

"On to Cincinnati" was the watchword, and the pursuit was renewed. Again the abductors tscaped and crossed the river into Kentucky. What followed in Columbus is thus described by Lee in his history of the city:

"The excitement in Columbus as to the outcome of the pursuit was only excelled by the public feeling against the kidnappers and against Justice Henderson and their abettors, who were arrested and, after a preliminary examination, conducted by Aaron F. Perry, then prosecuting attorney, and by Fitchjames Matthews and Albert B. Buttles for the defendants, were recognized to the Court of Common Pleas, and in default of bail were committed to the county jail. An immense public meeting was held at the Town Street Methodist Episcopal Church, at which spirited addresses were delivered by Samuel Galloway, Rev. Granville Moody and others, and resolutions were adopted fiercely denouncing Finney's abduction and all connected with it and expressing a determination 'to rescue him from the scoundrels who stole him from his family.' In the meantime Colonel Miner of Cincinnati and Messrs. Cowles and Bartol of Columbus at once proceeded to Frankfort to see what could be done for Finney's release. Awaiting the result of their efforts, a purse of $500 was raised by the citizens of Columbus to be added to a like sum to be offered by the governor for the purpose of bringing the kidnapers to justice."[12]

Governor Mordecai Bartley issued a requisition on the governor of

[12]Lee, A. E., "History of Columbus, Ohio," p. 600.

Kentucky for the surrender of the kidnappers without practical results. The attorneys who went to Frankfort, Kentucky, returned empty handed. In July the grand jury of Franklin County indicted Henderson and the others who connived at the abduction. Henderson was convicted and sent to jail. He was later sentenced to the penitentiary. His case was taken to the Supreme Court on error and he was released.

In the meantime, Finney, who had been imprisoned in the penitentiary of Kentucky, was brought back to Columbus. The good people of the city had raised $500 which was paid for his release and restoration to his family.

The Toledo Rescue Case

In February, 1847, a fugitive slave was rescued from custody while his captor was being tried on a charge of assault and battery before a justice of the peace. This case was reported to Prof. W. H. Siebert by James M. Ashley and Mayor Brigham, both of Toledo, in the summer of 1895.[13]

The Case of Richard Dillingham

As a rule the abolitionists, even those of the radical type, did not counsel entering slave territory and encouraging slaves to escape. The case of Richard Dillingham, the Quaker school teacher of Morrow County, constitutes an exception.

In December, 1848, while he was in Cincinnati, he was importuned by some colored people to go to Nashville, Tennessee, and bring back their relatives who were slaves under a cruel master. This he undertook to do, but was betrayed by a colored man whom he trusted, imprisoned and brought to trial April 13, 1849. After the arguments were closed, he rose and with calmness and dignity made the following poignant appeal:

"By the kind permission of the court, for which I am sincerely thankful, I avail myself of the privilege of adding a few words to the remarks already made by my counsel. And although I stand by my own confession, as a criminal in the eyes of your violated laws, yet I feel confident that I am addressing those who have hearts to feel, and in meeting out the punishment that I am about to suffer I hope you will be lenient, for it is a new situation in which I am placed. Never before in the whole course of my life have I been charged with a dishonest act. And, from my childhood, kind parents, whose names I deeply reverence, have instilled into my mind a desire to be virtuous and honorable; and it has ever been my aim so to conduct myself as to merit the confidence and esteem of my fellow men. But, gentlemen, I have violated your laws; this offense I did commit and I now stand before you, to my sorrow and regret, as a criminal. But I was prompted to it by feelings of humanity. It has been suspected, as I was informed, that I was leagued with a fraternity who are combined for the purpose of committing such offenses as the one with which I am charged. But, gentlemen, the impression is false. I alone am guilty; I alone committed the offense, and I alone must suffer the penalty. My parents, my friends, my relations are as innocent of any participation in or knowledge of my offense as the babe unborn. My parents are still living, though advanced in years and, in the course of nature, a few more years will terminate their earthly existence. In their old age and infirmity they will need a stay and protection, and if you can consistently with your ideas of justice make my term of imprisonment a short one, you will receive the lasting gratitude of a son who reverences his parents and the prayers and blessings of an aged father and mother who love their child."[14]

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[13]Siebert, "The Underground Railroad," p. 371.

[14]Howe, "Historical Collections of Ohio," Vol. II, p. 325.

Tears were in the eyes of many of the jurors when he concluded. He was sentenced to the penitentiary for three years—the shortest possible term for the offense under the laws of Tennessee.

While on trial he wrote a letter to the young woman to whom he was soon to be married, offering to release her. She, however, was constant and more than content to wait until he was released.

In the summer of 1850, the scourge of cholera, which was claiming many victims in the Southland, reached the penitentiary of Tennessee and a number of the prisoners were prostrated. Dillingham labored early and late to care for his fellow prisoners. Finally one Sabbath morning he himself was stricken. He died at noon the same day and was buried at 3 o'clock in the afternoon.

The Bellefontaine Rescue Case

In November, 1852, the probate judge of Logan County discharged the Piatt slaves from custody and they made good their escape over the Underground Railroad.[15]

The Case of Wash McQuerry

What was declared by James Hanaway, at the time a citizen of Darke County, as the first Ohio case under the Fugitive Slave Law of 1850, was tried before Judge McLean, of the United States Circuit Court in Cincinnati in 1853. McQuerry had taken up his residence in Troy, Miami County. A citizen living near Piqua, learning that he was a fugitive slave, wrote a letter to his master, Henry Miller, informing him where his "property" could be found. A posse of slave hunters came upon Wash where he was working on a canal boat. He was arrested, taken before Judge McLean and returned to his master.[16]

Escape from a Court-Room

Levi Coffin in his "Reminiscences" gives an account of the escape of a slave by the name of Louis, who eluded his would-be captors under very unusual circumstances in October, 1853. He had run away from his master in the interior of Kentucky and crossed the river at Cincinnati, where he found employment and remained for a time. Later he went to Columbus, Ohio, where he lived a number of years. His master finally learned where he was and sought by legal process to have him remanded to slavery. He was brought to Cincinnati where the officer who had him in custody was arrested for kidnapping.

The case was tried before United States Commissioner Carpenter. The owner came with witnesses to identify his "property." The trial lasted "a number of days" and interest grew as it approached its close. The commissioner deferred judgment for a day in order to consider more fully the law and the evidence. A new courthouse was in process of erection and court was held "in the second story of Wilson's building on Court Street." The time had arrived for the decision of the commissioner and the room was crowded to its capacity. Many colored people were present in a group. The slave sat between his master and the officer who had brought him from Columbus.

This is what then occurred, according to Levi Coffin:

"Louis was crowded and to gain more room slipped his chair back a little way. Neither his master nor the marshal noticed the movement, as they were intently listening to the judge, and he slipped his chair again until he was back of them. I was standing close behind him and saw every movement. Next he rose quietly to his feet and took

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[15]Siebert, "The Underground Railroad," pp. 373-374.
[16]"History of Darke County, Ohio," pp. 324, 325.

a step backward. Some abolitionists, friendly to his cause, gave him an encouraging touch on the foot and he stepped farther back. Then a good hat was placed on his head by some one behind and he quietly and cautiously made his way around the south end of the room into the crowd of colored people on the west side, through it, toward the door. I and several other abolitionists had our eyes on him, and our hearts throbbed with suppressed excitement and anxiety lest he should be discovered."[17]

Louis gained the street and made good his escape. His absence was soon discovered and the crowd in the court-room was in an uproar. A vigorous search was made for him by his master and the officers, but he was not found. He was concealed for some time in Cincinnati, finally conveyed to a station of the Underground Railroad and soon afterward arrived safely in Canada.

The Rosetta Case

This case is detailed at length in a very interesting account by Alfred E. Lee in his "History of the City of Columbus, Ohio."[18] A minister of the Gospel, H. M. Denison, of Kentucky, started his slave girl Rosetta early in March, 1855, from Louisville, Kentucky, on a journey to Wheeling, Virginia, in care of a friend, who, not finding a boat in Cincinnati, concluded to proceed by train across the State of Ohio. Finding to his surprise that he could not go directly to his destination but would be delayed in Zanesville over Sunday, he decided to remain in Columbus "where there were not so many abolitionists," and where he had an acquaintance with whom he and his charge would be safe. They were seen, however, by some colored women who reported their suspicions. Judge Joseph R. Swan issued a writ of habeus corpus which was served by the sheriff. It appeared that Rosetta had been brought into the state by consent of her master or his agent and she was set at liberty.

The girl was a minor and Mr. L. G. Van Slyke was appointed her guardian. Her former owner, Reverend Denison, later came to see her. She was given her choice to return with him or continue her freedom. After some deliberation, she elected to remain in Columbus. Here she found a home with the family of Dr. J. H. Coulter.

Later the same month, March 23, two men from the South came ostensibly to consult Doctor Coulter. They saw the girl and mutual recognition followed. Thereupon one of the men produced a power of attorney and demanded possession of Rosetta. Doctor Coulter refused to give her up until he could consult a friend. When he left his office, the two men promptly seized the girl and hurried her to a carriage which was in waiting. As they were about to start, Doctor Coulter returned and protested. They got into the carriage with the girl and made a dash for the depot, where a train was soon due for Cincinnati. In the meantime the alarm spread through the city.

Mr. Van Slyke and Dr. W. E. Ide boarded the train that took Rosetta and her captors South. At Cincinnati the latter were detained by habeas corpus proceedings and the case was heard before Judge Parker of the Common Pleas Court. Salmon P. Chase, Timothy Walker and R. B. Hayes, then a rising young attorney, appeared for the colored girl. United States Senator George E. Pugh and Jacob Fynn appeared in behalf of Reverend Denison, the slaveholder.

Judge Parker held with Judge Swan, and the girl was again set at liberty and placed in the custody of her guardian, Mr. Van Slyke. Before she could get out of Cincinnati she was rearrested by the United States marshal and taken before the United States commissioner who

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[17]Coffin, "Reminiscences," pp. 550-551.
[18]Vol. I, pp. 602-603.

again discharged her. The marshal was then arrested for contempt of court, but United States Justice McLean came to his rescue with a habeas corpus and discharged him from the custody of the sheriff.

But Rosetta was free and returned to Columbus with her guardian. A wealthy lady from New England, who was in Columbus when the girl was abducted, became interested in her and with her consent took her to her home and had her educated in one of the seminaries of the East. Rosetta was a light colored mulatto and proved herself in every way worthy of this favor. She grew up to cultured and useful womanhood.

The colored people of Columbus, in recognition of the service of Mr. Van Slyke, at a public meeting in his honor, presented him a silver pitcher, with an eloquent expression of their appreciation.

The Ad White Rescue Case

This case became famous in the annals of Champaign, Clark and Green counties, and was not lacking in incidents of thrilling excitement. Ad White, a fugitive from Kentucky, had, as he thought, found freedom and security on the farm of Udney Hyde near Mechanicsburg. He was finally tracked to his retreat and the United States courts in Cincinnati issued a warrant for his arrest.

White was a powerful man physically. He slept in the loft of the Hyde home where he had provided the means of defense to meet "eventualities." A rifle, a double-barrelled shotgun, a revolver, a knife and an ax constituted the principal part of the armament of this improvised fortress. The agents of the Government came for White in May, 1857. They could not persuade him to surrender. One of the deputies finally undertook to make the arrest. As he attempted to enter the loft, gun in hand, White fired and the deputy dropped to the floor. His life had been saved by the barrel of his gun, which turned aside the ball from White's rifle. The posse of deputies thereupon withdrew, leaving White in possession of his "fort."

The deputies returned empty handed to Cincinnati and made their report. Warrants were issued for the arrest of Azoro Z. Mann, Charles Taylor, David Tullis and Udney Hyde for interfering and preventing the capture of White. Their arrest created great excitement and an effort was made to prevent taking them away. Habeas corpus writs were issued in Champaign, Clark and Green counties to arrest the "spiriting away" of these citizens.

Judge Ichabod Corwin and Hon. J. C. Brand went to Springfield with a copy of the writ and soon Sheriff John E. Layton of Clark County was on his way to intercept the United States deputies and their prisoners. They were overtaken near South Charleston. In attempting to serve the writ Layton was beaten to the ground by Deputy-Marshal Elliott, borne back to South Charleston and reported in a dying condition.

This aroused intense excitement in Springfield and additional parties were organized at once to capture Elliott and his prisoners. They were finally arrested by the sheriff of Green County and taken to Urbana where the prisoners were released. On their way to Urbana the deputies were arrested in Springfield on a charge of assault with attempt to kill and lodged in the jail over night.

Sheriff Layton did not die, but he never fully recovered from the beating at the hands of Elliott. The deputy-marshals returned to Cincinnati. They soon came back, armed with warrants for the rearrest of the Mechanicsburg parties and a long list of additional men from the three counties, including among the number Judge Baldwin, Judge Corwin and Sheriff Clark of Champaign County.

The cases of Udney Hyde and Hon. J. C. Brand were selected as test cases. Eminent lawyers appeared for the prosecution and the

defense. The case had now dragged along almost a year and both parties had considerably abated the ardor with which it had commenced. The Kentucky owner of Ad White finally proposed a settlement that would net him $1,000 for his slave. This was agreed to and Ad White, rejoicing in his freedom, spent the remainder of his days in and near Mechanicsburg.[19]

Iberia Whipping Case

In the early summer of 1860, some colored persons were staying at a place about two miles south of Iberia, Morrow County, the seat of Ohio Central College, later called Iberia College, and famous as the institution in which President Warren G. Harding and his father received their academic training. On September 20, 1860, a train stopped and some men, supposed to be slave hunters, got off.

The news was carried to the college town and young men on horseback were soon on their way to protect the fugitives. "Two of these were rescued, but the third was caught and remanded to slavery." Just how this happened the local historian has not told us.

The rescuers were incensed at the effort to carry off the fugitive. They caught the deputy United States marshal and two of his subordinates, disarmed them, took them to the woods, clipped the hair of the deputy close to his head, compelled his assistants to subscribe to some "iron-clad oaths," and severely whipped them.

Rev. George Gordon, president of the college, was present at the conclusion of this cruel ceremony. There is difference of opinion as to his attitude toward the affair. His friends claimed that he in no way encouraged the flogging, that indeed, he had made an effort to prevent it; while the victims and their sympathizers insisted that he witnessed it without protest. In November, 1861, he was fined $300 and cost of prosecution (from $1,000 to $1,500 additional) and sentenced to jail for six months.[20] Before the close of his term of imprisonment he was pardoned by President Lincoln.

At first he refused to leave his prison cell in the jail at Cleveland, because the pardon did not exonerate him. His health was rapidly failing and he was finally prevailed upon to leave the cell in order to save his life. His health improved, but he never fully recovered. He died in 1868.[21]

Other Cases

The cases on the preceding pages are not a complete list of those that occurred in Ohio. In the newspapers of the period one occasionally finds incidental mention of escapes and rescues of fugitive slaves. In later years reminiscent letters have appeared recalling these experiences of ante-bellum days.

In The Anti-Slavery Bugle, shortly after the rescue of "Abbie Kelley Salem," appeared the following reference to a case of which no further details have been seen by the writer:

"The Supreme Court of Ohio has decided that the course pursued by the Salem rescuers was entirely legal. Some years since a similar rescue was happily effected by our friends, Abram and Edward Brooke and others. Then, as now, a hue and cry was raised against those engaged in the heroic undertaking, for it required more heroism to do it then than now. They were hunted by the mob and persecuted by appeals to law, at the instance of pro-slavery Ohioans. The Court of Common Pleas decided against the rescuers as guilty of offense

[19]Beer, "History of Clark County, Ohio," quoted in Howe, "Historical Collections of Ohio," Vol. I, pp. 384-386.

[20]Siebert, "The Underground Railroad," p. 377.

[21]"History of Morrow County, Ohio," 1880, pp. 403-404.

against law. The case was appealed to the Supreme Court and Judge Lane decided to act to be lawful and constitutional and that the rescuers had the right to use so much force as was needful to effect the deliverance of the slaves."

While the list of cases is not complete, it is sufficient to illustrate the anti-slavery spirit of Ohio prior to the Civil war.

Attitude of the Constitutional Convention of 1850-1851

Caleb Atwater in his "History of Ohio" devotes a chapter to The Colonization Society, which is more properly designated by the page heading Anti-Slavery Society. When he wrote this he undoubtedly had in mind the great debate between Webster and Hayne which was still the talk of the country. He considered what might have happened had Rufus Putnam and his compatriots been the first settlers of Virginia instead of Ohio. Population, in his opinion, would have increased much more rapidly and the Old Dominion would have been in a more prosperous and happy condition. It was a suggestion of similar character, made by Webster in his speech on the Foote resolution with reference to the State of Kentucky that stirred Hayne and precipitated the great debate. After describing the rapid growth of the free State of Ohio, Webster asks his hearers to consider how much more fortunate Kentucky would have been had that state from the beginning been dedicated, as was the Northwest, to universal liberty. Hayne objected to the assumption that slavery was a source of weakness, and the debate followed.

Atwater declares that the slave system was a great help to Ohio. It made the states south of the Ohio River the abode of slaves, while freemen naturally sought homes farther north under the ageis of the anti-slavery provision of the Ordinance of 1787 and the Constitution of 1802. Here are some of the things that he has to say on this phase of the subject:

"As a state, it is our interest in Ohio to have slavery continued in the slave-holding states for a century yet; otherwise our growth would be checked. The broad and deep streams of wealth, numbers, enterprise, youth, vigor, and the very life blood of the slave-holding states, now rolling into Ohio like mighty floods, would be stayed; and even roll back to their source, rendering those states not merely our equals but even our superiors in numbers, wealth and political power. No. We have adopted a policy which, for a century yet, requires slavery in the states south of us to be continued until they become deserts, * * * while we have 12,000,000 of people in Ohio. * * *

"The secret of our growth in all that is desirable must be kept a profound secret among ourselves. With such views on the subject, where is the patriotic citizen of this most prosperous of all states ever founded on the surface of the earth who would wish to stay its growth or even check its prosperity? No; let slavery be continued for a century at least, and our descendants will go and settle in the now slave-holding states, as forests, and make them what they will not be until then."[1]

Mr. Atwater here expresses his view rather unhappily. He is fully convinced that slavery is a bad policy for any state and that Ohio is most fortunate to have been a free state from the beginning; that all the free states naturally prospered at the expense of the South under the institution of slavery. He was not alone in his expressed willingness that this condition should continue.

The constitutional convention of 1850-1851 was emphatically opposed to the granting of additional rights and privileges to the negro. In this respect it presents a contrast to the convention of 1802. The wave of sentiment that swept the "black laws" from the statutes of

[1]Atwater, "A History of the State of Ohio," p. 331.

the state a few years earlier was evidently receding. A clash over the status of the negro was precipitated when the article of the constitution relating to education was under consideration.

The standing committee having this subject under consideration reported among other sections the following:

The General Assembly shall make such provision by taxation and other means (in addition to the means arising from the irredicuble fund) as will secure a thorough and efficient system of common schools, free to all the children in the state."

Mr. Sawyer of Auglaize County, one of the active and able members of the convention, always on the alert to block any additional opportunity for the colored race, promptly moved to amend the section by inserting the word "white" immediately before the word "children."

Mr. Taylor of Erie County opposed the change and in the course of his remarks said:

"I think it must be clear to every reflecting mind that the true policy of the statesman is to provide the means of education and consequent moral improvement to every child in the state, the offspring of the black man equally with that of the white man, the children of the poor equally with the rich. But I am told that the negro belongs to a degraded and inferior race; so much the more reason, sir, for their education and improvement. Leave them to grow up without moral and intellectual training, and they become a positive curse as well as a burden upon society. Educate them and they become useful members of the community that has cared for them."[2]

In reply Mr. Sawyer explained that his purpose was to discourage the colored people from coming to Ohio. He rejoiced in the recent passage by Congress of the Fugitive Slave Law. "For," said he, "I believe it will have the effect to rid the free states of the curse of a negro population, intermixed with the white."

He further explained his attitude toward the colored race:

"I have declared before, and I repeat it now, that I am willing that the negro shall have every privilege and every right that I myself enjoy. I am willing that he shall vote; I am willing that he shall be a justice of the peace, or governor, a judge or a member of Congress. Aye, sir, I am willing that he shall be president of a republic. I am willing that the language of our sublime Declaration of Independence shall apply to the negro as well and as fully as to myself. But, sir, I am unwilling that he shall enjoy those privileges in this country, pre-occupied as it is by a different and a higher race. I am willing that he shall enjoy all these rights and privileges in his native country. Is there anything either unjust or inhumane in this?"[3]

He adverted to conditions in Canada, which had been made a haven for fugitives:

"The people of Canada are now reaping the bitter fruits of the seed sown by themselves. They are now overrun with an impoverished, if not viscious, negro population. And because the fugitive slave bill has had the effect, in so great a measure, to rid us of the negroes which were everywhere a pest in society and has accumulated them upon the soil of Canada, I rejoice in its passage."

In closing, Mr. Sawyer said:

"If you will look at the statistics furnished by the recent census, you will find that in those counties of the state where abolitionism or free-soilism predominates, there are the fewest negroes. It is in the southern counties, bordering on Kentucky, where there is the largest proportion of negroes and mulattoes; and these counties are the least friendly to provisions for the encouragement of their emigration to or remaining

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[2]Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Ohio. 1850-1851, Vol. II, p. 11,

[3]Ibid, 12.

in the state. Either the negroes do not know their friends, or else they will not go to them."[4]

Mr. Townshend, who as a member of the General Assembly had been largely instrumental in effecting a repeal of the "black laws," answered Mr. Sawyer in part as follows:

"I did not rise, Mr. Chairman, to reply to the remarks of the gentleman from Auglaize on the Fugitive Slave Bill. I don't see what that has to do with the common schools of Ohio; but, sir, as that gentleman has kindly given us his opinion, I will just take the opportunity to give mine, which is that the fugitive law, in all its distinctive features, is utterly and totally damnable.

"But I rose, Mr. Chairman, to correct one or two mistakes into which that gentleman has unfortunately fallen. The first relates to the feelings with which the people of Canada regard the fugitives who escape from this country. I do not believe that the people there are alarmed at the "black cloud" of fugitives that comes up from the States. On the contrary, I know that they treat them with great humanity, furnishing them with food, clothing and employment. * * * The gentleman alluded to the temper of the Canadian papers. I think, sir, I have seen the paper to which allusion was made, and if I am correctly informed, the articles are not written by any native of Canada or Great Britain, but by a negro hater from the United States. * * *

"The other mistake I wish to notice is the assertion of the gentleman that there are, comparatively, no colored persons in the free-soil counties, and that therefore all the sympathy felt in those counties is for a class of persons which we, in such counties, don't have among us; and of the evils of whose presence we know nothing. Now, sir, I think it will be conceded that we have some free soil in Lorain, and there, sir, we have quite a sprinkling of colored persons. I don't pretend to know the exact number, but I should think but little, if any, less than 100 in the village where I live and a still larger number in another village a few miles off. * * * But, sir, we have less prejudice against colored persons, not because we don't know them, but because we do."[5]

A number of delegates expressed themselves in favor of making the provisions of the article on education so general that they would not endanger the constitution when submitted to the people; they favored leaving details to the General Assembly. This was finally done. The article, as adopted, contained no reference to the colored people.

Discussion of the rights and privileges to be accorded to the colored people again occurred when the article on the elective franchise was up for consideration. The report of the committee limited the franchise to "every white male citizen." An amendment was offered to strike out the word "white."

In support of this amendment Mr. Townshend took the lead, delivering a speech that was evidently carefully prepared. He opposed depriving the negro of the right to vote because such action he considered—1, unjust; 2, anti-democratic; 3, impolitic. Following are a few extracts from the address:

"To attempt to govern men without seeking their consent is usurpation and tyranny, whether in Ohio or in Austria. There is a portion of the people of this state who have the same right to stand upon this part of God's earth, and to breathe this free air, that you or I have, and yet you seek to impose a government upon them without consulting them. I can only say that they are under no obligation to obey your laws or to submit to your authority. You burden them with taxation without representation, and thus inflict upon them the identical wrong

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[4]Debates, 1850-1851, Vol. II, p. 12.
[5]Debates, 1850-1851, Vol. II, pp. 12-13.

for which the thirteen United Colonies threw off the yoke of the mother country. To establish a government over them, not based on their consent; to subject them to laws they have had no voice in framing; to tax them while you deny them representation is clearly and manifestly unjust."

"I believe it to be our duty here to erect a civil platform upon which the foot of every person in the state may stand and on exactly the same level. I have not intentionally given in this body, one vote, nor do I intend to give one vote, to place any man, or set of men, above the common level. I will vote for no franchise, if by that is meant a something which makes one man free to do what may not be done by others. I will vote for no privilege, if by that is meant a private law for the benefit of the few over the many.

"We have also been told that different races of men cannot dwell together peaceably. The fact that we have colored persons in the state was urged some days since, as a reason for keeping up the militia system—and all history was summoned to testify of the horrors growing out of wars of races. I know that terrible conflicts have often been witnessed between different races forming parts of the same nation; but I too will appeal to history and defy any one to point out an instance where these conflicts have not grown out of the attempt on the part of one race to oppress the others."[6]

Mr. Nash of Gallia County, in opposing the grant of suffrage to the negro, said in conclusion:

"Again, this is not a question of right, or morality. The right of suffrage is a mere question of expediency—has ever been so considered. Hence minors and females are excluded from the exercise of this power in the government. The law, when made, protects all alike; but the question, who shall make our laws, is another and different question. I so regard the question, and so regarding it, can have no hesitation in voting in accordance with a well-known public opinion. In doing so, I do not violate any principle of right, as I understand the question. Nor is there anything in this word citizen. They may be citizens, and yet not be entitled to the right of suffrage. Minors are citizens, and yet not voters. This is all I have to say."[7]

Following is the vote on extending the right of suffrage to the negro:

Yeas—Messrs. Andrews, Cook, Farr, Gray, Humphreville, Hunter, Otis, Perkins, Swift, Taylor, Townshend and Woodbury—12.

Nays—Messrs. Archbold, Barbee, Barnet of Montgomery; Barnett of Preble; Bennett, Brown of Athens; Brown of Carroll; Cahill, Chambers, Chaney, Curry, Cutler, Dorsey, Ewart, Florence, Forbes, Gillett, Greene of Defiance; Gregg, Hamilton, Hard, Hawkins, Henderson, Hitchcock of Geauga; Holmes, Holt, Hootman, Horton, Hunt, Johnson, Jones, Kennon, King, Kirkwood, Lawrence, Larwill, Leech, Leadbetter, Lidey, Loudon, Manon, Mason, Mitchell, Morehead, McCormick, Nash, Peck, Quigley, Reemelin, Riddle, Sawyer, Scott of Harrison; Scott of Auglaize; Sellers, Smith of Wyandot; Stanbery, Stanton, Siebbins, Stilwell, Stickney, Thompson of Stark; Vance of Butler; Warren, Wilson, Worthington and President—66.[8]

It will be noted that even Mr. Cutler, the son of Ephraim Cutler, the staunch supporter of the negro in the Convention of 1802, voted with the majority against extending the franchise to the colored race.

If this result appeared discouraging to the negro, he, perhaps, could gain some comfort from the fact that an effort, on the same day, to extend the right to vote to the white women of the state was even more decisively defeated by the vote of yeas, 7; nays, 72.

The second constitutional convention of Ohio doubtless faithfully

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[6]Debates, 1850-1851, Vol. II, pp. 550-552.
[7]Ibid, 553.
[8]Debates, 1850-1851, Vol. II, pp. 554-555.

represented the prevailing attitude of the state at that time toward the negro. A majority of the people, like Caleb Atwater, were content to have the states south of the Ohio River increase their slave population, while Ohio continued to attract the vigorous, enterprising, self-reliant white immigrants that came pouring in from the older states and from lands beyond the sea.

While occasionally a prophetic voice could be heard, in ominous warning that "coming events cast their shadows before," such gloomy predictions are heard here and there at all times. It is only when they are verified by subsequent experience that their authors are credited with "mystical lore" and elevated to the rank of seers.

In comparative serenity and confidence, the people of Ohio in the year 1851, when the second constitutional convention completed its work, looked forward to a happy and prosperous future, with no thought, even in their dreams, of the pent-up cataclysmic forces that were straining the social order to eruptive tension; of storms and thunderbolts on the verge of the national horizon; of the volcano beneath their feet that was soon to burst forth and shake the earth and redden the skies.

The Liberty Party

While the general tendency of legislation in Ohio prior to 1860 was unfriendly to the negro, there was during the entire period evidence of a strong anti-slavery sentiment throughout the state. This was manifest when the Missouri Compromise was up for consideration; when the admission of Texas was proposed;[1] and especially when the Compromise of 1850, including the Fugitive Slave provision, was debated in Congress. On all of these occasions, the General Assembly of Ohio, with little regard to party lines, protested against the extension of slavery and the adoption of a policy that made all citizens deputies of the slave power in "pursuit of the panting fugitive."

Their opposition, whatever its impelling motive, was the result of observation and practical experience. Their contact with the "peculiar system" of the South was sufficiently intimate to fortify them with reasons for opposition to it; and it required neither extended research nor profound reason to lead them to the conclusion that the conflict between slavery and freedom was irrepressible and that it was a patriotic duty to find an effective and, if possible, a peaceful solution to this issue that early threatened to rend the Union asunder. Those who regarded the question coolly, unmoved by sentiment, could not be oblivious to the fact that it was a perennial irritant, destined in time to become not only troublesome but intolerable.

Organized political opposition to slavery was, however, a matter of slow development. In the early years of Ohio's statehood, there were abolitionists in all political parties. Some of the most prominent anti-slavery men in the state had risen to distinction in the democratic party. The same could be said with equal truth of the whig party. They and many of their followers could not at first see that it was either expedient or necessary to leave their party to work for the freedom of the slave.

The organizing of a new political party, with a reasonable assurance of future success, is a venture of extraordinary magnitude. The difficulties are numerous and almost insurmountable. The great majority of electors will not lightly lay aside the associations and voting habits of years. It is easy to cast a "straight" ballot for the party with which we

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[1]The Legislatures of Maine, Vermont, Massachusetts, Rhode Island, Ohio, and Michigan passed vigorous resolutions in favor of the right of petition and against the admission of Texas, every democratic member except one in the Lower House in Ohio voting with the majority.—Birney, "Life and Times of James G. Birney," p. 339.

have been identified—in the traditions and fundamental principles of which we have been schooled for years. The simple name of that party is, in not a few instances, a binding influence, the result of practice or inheritance. If there are wrongs to be righted, reforms to be attained, worthy enterprises to be achieved and beneficent policies to be inaugurated, the voter prefers that these changes shall be accomplished within party lines. Strong indeed must be the call and compelling must be the issues that give birth to a new party with assurance of continued life and growth and ascendancy to power. The inertia of custom, past association, prejudice and suspicion of "ulterior motives" are to be overcome. Money for "legitimate expenses" must be raised. All the machinery of organization must be constructed.

Age indues a party with resistant vitality. There may be defections and splits, due to evanescent issues and the personal piques or ambitions of leaders, but these contingencies are provided for by minor readjustments, and "Andrew Jackson" and the "Grand Old Party" move on to successive campaigns, defeats and triumphs, and "there is no new thing under the sun."

After years of agitation an effort was finally made to establish a party whose basic principle should be the abolition of slavery. In the campaign of 1840, the democrats renominated Martin Van Buren for President, and the whigs chose as their standard bearer William Henry Harrison. Between the two, abolitionists had no choice. Van Buren was assumed to inherit the pro-slavery policies and tendencies of his predecessor, Andrew Jackson, and the record of General Harrison, who as governor of Indiana Territory had sought to introduce slavery there in violation of the Ordinance of 1787, was to them most unsatisfactory. They therefore decided to organize a national anti-slavery party.

The initial movements in this direction occurred in the State of New York, in the County of Monroe, September 28, 1839, and in the national anti-slavery convention in Cleveland, October 23 of the same year. Definite action was taken by the New York State anti-slavery convention November 13, 1839, at which James G. Birney was unanimously nominated for President of the United States. He declined the nomination, (1) because it had not been tendered by a national convention; and (2) because the whigs had not then made their nomination and it was thought possible that they might nominate Gen. Winfield Scott, who was known to be friendly to the anti-slavery cause.

After the nomination of Harrison the abolitionists no longer hesitated. They met in Albany, New York, April 1, 1840, and nominated James G. Birney for President and Thomas Earle for vice president.

At the election in the following November, the vote for the new party was very light and did not serve as an indication of the anti-slavery sentiment of the country. General Harrison was a military hero, who in the Indian wars on the frontier and the War of 1812, had performed valiant service for his country. His spectacular "log cabin and hard cider campaign" caused the voters, including anti-slavery whigs, to forget everything else in order to cast one more vote where it would count for "Tippecanoe and Tyler too."

In the entire United States Birney polled only 7,100 votes; of this number Ohio contributed 903. Four years later Birney was again the candidate of the abolitionists, now named the liberty party, and polled in the United States 62,300 votes, and in Ohio 8,050. In 1844 Thomas Morris, former United States senator from Ohio, was candidate on the liberty party ticket for vice president.

In this connection the following record of votes for governor polled in Ohio by the new party may be of interest: 1842, Leicester King, 5,134; 1844, Leicester King, 8,898; 1846, Samuel Lewis, 10,797; 1850, Edward Smith, 13,717; 1851, Samuel Lewis, 16,918; 1853, Samuel Lewis, 50,346.

Among some of the causes contributing to the slow growth of the

abolition party may be included the character of some of the early supporters of the anti-slavery movement. William Birney, in the "Life" of his father, James G. Birney, thus speaks of some of the well meaning, ridiculous persons who attached themselves to the anti-slavery societies and made themselves conspicuous at public meetings by their peculiar manners and dress and their extravagant and foolish declarations:

"In that era of religious and reformatory excitement and new ideas of progress, material and moral, the natural drift of highly emotional persons of ascetic temperament and defective logical power was into abolitionism, and beyond it into fads and whimseys without end. * * * These men did great harm to the abolition cause. Some of them were eccentric in their personal appearance. One believed he resembled Christ, and wore long hair parted in the middle and flowing in curls over his shoulders; another sported a sombrero hat and a long beard like a Mexican bandit; and a third wore no hat at all. Some had adopted Dr. Sylvester Graham's recently advanced theories of living. They ate coarse bread and fruits but no meat; drank no stimulants, not even tea and coffee, and, even if delicate, took cold shower-baths every morning, winter and summer."

It is the fate of every reform movement, however worthy, to attract the non-descript "professionals" who seem to have been born in the objective case, who are never quite satisfied with the existing order of things and who automatically attach themselves to every passing fad and, with equal facility, to every meritorious movement in its initial stages of development. It is only in the initial stages, however, that they are troublesome. As soon as the movement becomes popular they disappear, for they abhor majorities. Their places are more than filled by the champions of expediency, the opportunists who always flock to the winning cause. The latter are the more respectable class and, perhaps, the more worthy, though that is an open question. If the world depended upon them alone the world would stand still.

That the anti-slavery movement in Ohio was led by men of scholarly attainments and genuine merit is evidenced from the membership of the state and local societies and the men who represented it in the General Assembly of the state and in Congress. Conspicuous among the early leaders, who spoke boldly for the cause when his action meant personal sacrifice and political ostracism, was Thomas Morris, democratic United States senator from Ohio from March 4, 1833, to March 4, 1839.

In the neatly kept village cemetery, at Bethel, Clermont County, Ohio, is an appropriate monument bearing an inscription that modestly but eloquently testifies to the worth of a distinguished servant of the state and nation, whose life was an inspiration and whose devotion to principle entitles him to high rank in the galaxy of statesmen from Ohio who have represented the state in the highest legislative body of the Republic. It was the privilege of Thomas Morris to serve as United States senator in the period to which it is still customary to advert with the observation, "There were giants in those days." He was the associate of Clay and Webster and Calhoun, a distinguished honor of which he was altogether worthy. This is the inscription on the shaft that marks his final resting place:

THOMAS MORRIS
LATE U. S. SENATOR

Was Born January 3rd, 1776
Died December 7th, 1844

Unawed by power and uninfluenced by
flattery he was through life the fearless
advocate of human Liberty.

Born in Berks County, Pennsylvania, taken when quite young with his father's family to Western Virginia, near Clarksburg, in the year

1795 Thomas Morris came to Columbia, in what is now Hamilton County, Ohio, and became a clerk in a store at that place owned by Rev. John Smith, then a Baptist minister and afterward a member of the Territorial Legislature, delegate to the Constitutional Convention of 1802, and United States senator from Ohio. Smith was a versatile and popular man and, like most of the immigrants from Virginia, deeply interested in politics and ambitious to participate officially in the government of the new state.

In the early history of Ohio the citizens of the southern counties were intensely interested in public affairs. Almost every voter seems to have been a practical politician, and the contests for place and principle were usually spirited and apparently out of proportion to the honors and "emoluments." Salaries were small, too small to attract candidates, but great honor attached to even trivial offices, and with the sparse population of pioneer days, almost every elector might aspire to political preferment at the ballot box.

Issues and men were subjects of discussion at debating societies, log rollings, house raisings and other meetings. Person would travel miles to hear even local speakers discuss the political issues of the day. Orators of reputation from a distance had practically the entire population for a circuit of many miles as their auditors. In this formative period the voter felt that he had a very direct share in the government—that he was an essential part of it—that it was not so much a duty as a proud and patriotic privilege to make his influence felt on election day. He followed with enthusiastic fervor his party leader, his political hero, and rejoiced that his voice and vote were potential in the enactment of laws and the administration of public affairs.

Such was the spirit of the community in which the early life of Thomas Morris was spent and of the county and district that he represented so long in the General Assembly of Ohio. In the employ of John Smith and in the stirring pioneer Village of Columbia, he found a continual stimulus to interest in the men and the issues of the day and a standing invitation to enter the political arena of the new state. By environment and conviction he was a staunch democrat and a faithful follower of Thomas Jefferson. He attended such schools as were accessible on the frontier, read eagerly the few books available and made most of his limited educational opportunities; studied law and was admitted to the bar. He moved to Williamsburg, Clermont County, in 1800 and thence to Bethel, Ohio, in the same county, in 1804, and commenced the practice of law.

He was elected a state representative from Clermont County in 1806. His biographer is in error when he says that Morris served twenty-four years in the General Assembly of Ohio, and the sketch in the Congressional Directory is slightly inaccurate. He served in the Lower House four terms of one year each and in the State Senate six terms of two years each. The aggregate of his service in both houses from 1806 to 1832 was sixteen years. In 1809 he was elected judge of the Supreme Court of Ohio, but never qualified for the position. In the period of his legislative service, Clermont County was much of the time entitled to two representatives and a senator. These offices were eagerly sought and candidates were generally numerous. The issues for the most part were local and personal. The followers of Jefferson were in the ascendancy, and allegiance to his party was a requisite to success.

Anti-slavery views, especially in the early part of the period, do not appear to have been a handicap to candidates. In the election of delegates to the Constitutional Convention of 1802, Philip Gatch and James Sargent were chosen to represent the county because of their opposition to slavery.[2] Alexander Campbell, who served as state representative with Thomas Morris and afterward as United States senator from

[2]Morris, B S., "Life of Thomas Morris," p. 30.

December 11, 1809, to March 3, 1813, was a Virginian, a pronounced abolitionist and headed the list of vice presidents of the Ohio anti-slavery convention when it was organized in 1835.

While Morris was practicing law in Bethel, a youth by the name of Thomas L. Hamer came to the village in search of employment. He met Morris, who was practicing law in the village, who received him kindly, admitted him to his office and home and treated him almost as one of his own sons. Hamer was naturally gifted, studious and ambitious. He taught school, studied law, and in 1821 was admitted to the bar. He served as state representative from Brown County, and was speaker of the House. He became famous as an orator, surpassing, his democratic friends declared, even the renowned Tom Corwin. He favored the War with Mexico and backed up his words in the uniform of a brigadier general on the field of battle. He was stricken with a fatal illness and died "under the walls of Monterey."

It so happened that, after long service in the General Assembly of Ohio, Morris concluded in 1832 that he would like to represent his district in Congress. It so happened that his protege, now a successful lawyer in Georgetown, Brown County, and in the same congressional district, had reached a like conclusion for himself. Both entered the race as democratic candidates, and the recently organized whig party, encouraged by this division in the ranks of their political foes, brought forth as their candidate Owen Fishback. To make the contest still more interesting, a third democratic candidate by the name of Russell entered the list. The campaign waxed warm, fast and furious, with the following result when the votes were counted: Hamer, 2,171; Fishback, 2,069; Morris, 2,028; Russell, 403. The fervid oratory of young Hamer had won.

Thomas Morris must have been chagrined and disappointed. It so happened, however, that his loss was his good fortune. In a little less than two months after his defeat, he was elected by the General Assembly to serve a full term in the United States Senate. Hamer was twice reelected to Congress. By a singular coincidence their congressional service began and ended on the same dates.

The anti-slavery views of Thomas Morris were known to those associated with him when he was elected United States senator, but neither he nor they could at that time foretell the crucial tests that awaited him in the high position to which he had been called.

Thomas Morris took his seat in the Senate at the opening of the regular session in December, 1833. It was at a time when the agitation which had in a measure been quieted by the Missouri Compromise was again taking form in petitions to Congress for the abolition of slavery in the District of Columbia. This aroused the super-sensitive South. Slaveholders feared the effect of public discussion upon the negro population. If the slaves should come to understand, so many of them reasoned, that a powerful party or interest in the North favored their freedom, they might rise in servile rebellion to throw off their chains. The leaders of the two dominant parties in the North came to appreciate this feeling on the part of their brethren in the South. With patriotic motives, for the preservation of the Union, they were joining hands to silence all discussion of the question of slavery. Clay, Webster and Calhoun, the senatorial triumvirate, found themselves in substantial agreement on this issue.

Senator Morris witnessed with grave apprehension the progress of this coalition. He was conscious of its strength and of the political disaster that would probably overwhelm any one who had the temerity to encounter it. He had seldom spoken in the Senate. He left oratorical contests to others. But despite his diffidence, he was an able speaker and drove home his arguments with directness and power.

He was a staunch partisan, and he must have regretted to become

involved in heated arguments with one who had long been recognized as an able leader of the democratic party.

When Congressman John Quincy Adams, formerly President of the United States, presented a petition in the House of Representatives to abolish slavery in the District of Columbia, an uproar was precipitated, the echoes of which were heard throughout the land. This was followed by the adoption of a series of three resolutions, the most important of which was as follows:

"And whereas, it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquility to the public mind, your committee respectfully recommends the adoption of the following additional resolution, viz:

"Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall he had thereon."[3]

Little opportunity was given for debate to those opposed to the resolution. They were shut off by the previous question. There was, however, determined opposition on the part of the minority that went down to defeat. The vote on the resolution stood, yeas, 117; nays, 68. Ohio congressmen who voted against it were William K. Bond, Thomas Corwin, Joseph Crane, Elias Howell, Benjamin Jones, Jeremiah McLene, Samson Mason, Bellamy Storer, John Thompson, Samuel F. Vinton, Taylor Webster and Elisha Whittlesey.

Similar action was anticipated on the part of the Senate. It was not, however, until December, 1837, that the distinguished senator from South Carolina, John C. Calhoun, introduced a series of resolutions declarative of the attitude of the Senate toward anti-slavery agitation. All of these are interesting to the student of the anti-slavery movement, but only two are reproduced here.

Resolved, That domestic slavery, as it exists in the Southern and Western states of the Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized, as constituting an essential element in the distributions of its powers among the states; and that no change of opinion, or feeling, on the part of the other states of the Union, in relation to it, can justify them or their citizens in open and systematic attacks thereon, with a view to its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledges to protect and defend each other, given by the states, respectively, on entering into the constitutional compact, which formed the Union, and as such is a manifest breach of faith and a violation of the most solemn obligations, moral and religious.

Resolved, That the intermeddling of any state or states, or their citizens, to abolish slavery in this district, or any of the territories, on the ground, or under the pretext, that it is immoral or sinful; or the passage of any act or measure of Congress, with that view—would be a direct and dangerous attack on the constitution of all slave-holding states.[4]

The manifest tendency in the Senate was to follow the precedent of the House and suppress all agitation on the slavery question. Great statesmen were in that body. There was the eloquent Henry Clay, of Kentucky, a distinguished leader of the whig party. There was Daniel Webster, whose debate with Hayne, whose eulogy on Ohio and the Ordinance of 1787 and whose eloquent plea for "liberty and union, now and forever, one and inseparable" awoke a patriotic response throughout the land. But who would now dare to rise against the dominant

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[3]"Register of Debates in Congress," Vol. XII, p. 4051.
[4]Morris, "The Life of Thomas Morris," pp. 97-98.

influence of the South? One senator, yes, one, till then comparatively unknown outside of his own state, one obscure senator, unaided and alone, stepped into the arena and took up the gage of battle thrown down by Calhoun. He, too, submitted a series of resolutions embracing his convictions on the true policy of the Government under the Constitution. Two only are here reproduced that constitute in a measure his courageous answer to the challenge of Calhoun:

Resolved, That domestic slavery, as it exists in the Southern and Western states, is a moral and political evil, and that its existence, at the time of the adoption of the Constitution, is not recognized by that instrument as an essential element in the exercise of its powers over the several states, and no change of feeling on the part of any of the states can justify them or their citizens in open and systematic attacks on the right of petition, the freedom of speech, or the liberty of the press, with a view to silence either, on any subject whatever; and that all such attacks are manifest violations of the mutual and solemn pledge to protect and defend each other, and as such are a manifest breach of faith, and a violation of the most solemn obligations, political, moral and religious.

Resolved, That it is the indisputable right of any state, or any citizen thereof, as well as an indispensable duty, to endeavor, by all legal and constitutional means, to abolish whatever is immoral and sinful, and that Congress alone possesses the power to abolish slavery and the slave trade in this district or any of the territories of the United States; and the right of petition, of speech, and of the press, to accomplish this object, is not to be questioned, and that an act of Congress on this subject would be within its constitutional powers.[5]

Senator Morris followed up his resolutions with a speech opposing those presented by Calhoun. In taking his stand he declared that he understood the powerful influences with which he had to contend; "that he knew the prejudices that were against him"; that his "best friends would differ from him"; but he had counted the cost and would do his duty. He closed by offering an amendment to strike from the first of the Calhoun resolutions here quoted the words "moral and religious." His amendment was voted down, and the Calhoun resolutions without material change were passed by a large majority. That evening, after the arduous struggle of the day, he retired to his room and made a brief entry in his memorandum book including among other statements these sentences that reveal the spirit with which he entered the contest:

"Resolutions have been introduced declaring that we have no right—either political, moral, or religious—to discuss the institutions of any state, with a view to effect a change in those institutions. The object is to prevent the discussion of slavery in any of the States; but the Resolutions strike at all discussion. I regard these resolutions as the most daring attempt against American liberty, that has yet been brought forward in Congress, since the foundation of the Republic, and as such I oppose them."[6]

The storm of opposition that Morris anticipated as a result of his defiance of the slave power arrived promptly and smote him with its bitter blast. He was denounced as a traitor to his party and steps were promptly taken to prevent his return to the Senate.

In December, 1838, soon after the Ohio General Assembly met, a committee appointed by the democratic members of that body sent him a letter with four questions to test his political faith. They were as follows:

1. Are you in favor of an independent treasury bill?
2. Are you a supporter of the leading measures of the present administration?

[5]Morris, "The Life of Thomas Morris," pp. 100-101.
[6]Morris, "The Life of Thomas Morris," pp. 105-106.

3. Are you for or against modern abolitionism?

4. Are you willing to submit to the selection made by your political friends?[7]

Morris answered all of these briefly and to the entire satisfaction of his party leaders with the exception of the third. He answered this at great length and so frankly that there could be no misunderstanding as to his position. His opening sentence is an index to the entire answer:

"I am opposed to slavery in all its forms; and against its further extension in our country; believing it to be wrong in itself and injurious to the best interests of the people, I view it as a creature of State law only, and that Congress have no power over it, as it exists in the States; neither have Congress the power to create a system of slavery where it does not exist or to give it new and additional security."[8]

He further stated in language that was doubtless resented by those to whom the reply was addressed, "I believe it to be the duty of the states as well as their interest to abolish slavery where it exists, but that no other state would be justifiable in interfering for that purpose."

He stoutly defended the right of petition to the Legislature as "Inviolate on all subjects and above the power of law," and declared the right of all citizens "to speak, write or print on the subject of slavery, as on any other subject."

It is rather remarkable that two of the committee of three that addressed the questions to Senator Morris were none other than John Brough and David Tod, two rising young democrats in the General Assembly who were now prominently engaged in an effort to prepare the way for the removal of Morris from the Senate at the end of his term and who a little later aided in that consummation by voting for Judge Benjamin Tappan as his successor.

It is worthy of note in this connection that Tod and Brough twenty-three years afterwards themselves concluded to follow in the course laid down by Senator Morris, whom they had gleefully aided to retire from the Senate. Tod became one of the war governors of Ohio and marshalled the troops of the state to put down the rebellion which Morris had foreseen from afar, while Brough changed his views in regard to slavery, followed Tod as war governor of Ohio and became conspicuous in the support of Lincoln and his emancipation policy that struck the shackles from the bondsman.

Driven from his place in the Senate, denounced by his party and ostracized by his former associates, Morris did not waver in the support of the cause he had espoused or the determination to protest, while he remained in the Senate, against all efforts to silence discussion and prevent presentation of petitions on the question of slavery.

One of the eminent statesmen of that body from a southern state had voiced his opposition to slavery in a notable speech at a meeting of the Colonization Society, in Washington, January 20, 1827, in the following language:

"I am no friend to slavery. The searcher of hearts knows that every pulsation of my heart beats high and strong for civil liberty. If I could be the instrument in eradicating this deepest stain upon the character of our country, and removing the cause of reproach on account of it by foreign nations—if I could be instrumental in ridding this foul blot from that state which gave me birth, or that not less beloved state which kindly adopted me as her son, I would not exchange the proud satisfaction which I should enjoy, for all the triumph ever decreed to the most successful conqueror."[9]

This was the language of Henry Clay, of Kentucky. Mark the contrast of his views as expressed in the Senate, February 7, 1839:

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[7]Morris, "The Life of Thomas Morris," pp. 192, 193, 194.
[8]Ibid, 192.
[9]Morris, "The Life of Thomas Morris," pp. 108-109.

"It is because these ultra-abolitionists have ceased to employ the instruments of reason and persuasion, have made their cause political, and have appealed to the ballot-box, that I am induced upon this occasion to address you. * * * That is property which the law declares to be property. Two hundred years of legislation have sanctioned and sanctified negro slaves as property."[10]

As the former speech of Senator Morris was directed principally against the democratic leader, John C. Calhoun, he now turned his attention chiefly to Henry Clay and the coalition of the two. After Clay's speech he sought the earliest possible opportunity to reply, two days later on February 9. This speech of Morris was the most powerful arraignment of slavery that had been made in the United States Senate. It was published widely and frequently referred to as the "trumpet call" to all who were opposed to slavery. He opened his address by presenting petitions signed by several thousand citizens on the subject of slavery. In presenting them he said:

"In availing myself of this opportunity to explain my own views on this agitating topic and to explain and justify the character and proceedings of these petitioners, it must be obvious to all that I am surrounded with no ordinary discouragements."[11]

He appreciated the prejudice against him and the opposition of "the very lions of debate" in the Senate whose eloquence was cheered to the echo. He claimed that he had a right to expect on the floor of the Senate of the United States, even as the representative of an unpopular cause, that "order and a decent respect to the opinions of others would prevail." "From the causes which I have mentioned," said he, "I can hardly hope for this. I expect to proceed through scenes which ill-become this hall; but nothing shall deter me from a full and faithful discharge of my duty on this important occasion."

He drew attention to the fact that he was nearing the close of his six years' service in the Senate and that he had seldom taken part in debate. "I question very much," said he, "if I have occupied the time of the senate during the six years as some gentlemen have during six weeks or six days." He then referred to the resolutions that he had formerly presented, preceding his debate with Calhoun:

"Let the senator from South Carolina, before me, remember that, at the last session, when he offered resolutions on the subject of slavery, they were not only received without objection, but printed, voted on, and decided; and let the senator from Kentucky reflect, that the petition which he offered against our right, was also received and ordered to be printed without a single dissenting voice; and I call on the senate and the country to remember that the resolutions which I have offered on the same subject, have not only been refused the printing, but have been laid on the table without being debated or referred. Posterity, which shall read the proceedings of this time, may well wonder what power could induce the senate of the United States to proceed in such a strange and contradictory manner. Permit me to tell the country now what this power behind the throne, greater than the throne itself, is. It is the power of SLAVERY. It is a power, according to the calculation of the senator from Kentucky, which owns twelve hundred millions of dollars in human beings as property; and if money is power, this power is not to be conceived or calculated; a power which claims human property more than double the amount which the whole money of the world could purchase. What can stand before this power? Truth, everlasting truth, will yet overthrow it."

In charging a coalition between the dominant political parties and their leaders, between the slave-holding South and the moneyed interests

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[10]Birney, "Life and Times of James G. Birney," p. 345.

[11]The speech from which this and following quotations are made will be found in "The Life of Thomas Morris," by B. F. Morris, pp. 111-165.

of the North, Senator Morris said that he had "seen this billing and cooing" between them for some time past. "All doubts are now terminated," he said. "This display made by the Senator from Kentucky (Mr. Clay), and this denunciation of these petitioners as abolitionists, and the hearty response and cordial embrace which his efforts met from the Senator from South Carolina (Mr. Calhoun), clearly shows that new moves have taken place on the political chessboard and new coalitions are formed; new compromises and new bargains, settling and disposing of the rights of the country for the advantage of political aspirants." In assailing this powerful coalition he further declared that he was "endeavoring to drive from the back of the negro slave, the politician who has seated himself there to ride to office for the purpose of carrying out the object of this unholy combination."

In defending the petitioners whom he represented he said:

"Who has said that these petitions are unjust in principle, and on that ground ought not to be granted? Who has said that slavery is not an Evil? Who has said it does not tarnish the fair fame of our country? Who has said it does "not bring dissipation and feebleness to one race, and poverty and wretchedness to another, in its train? Who has said it is not unjust to the slave and injurious to the happiness and best interest of the master? Who has said it does not break the bonds of human affection, by separating the wife from the husband, and children from their parents? In fine, who has said it is not a blot upon our country's honor, and a deep and foul stain upon her institutions? * * * SLAVERY! a word, like a secret idol, thought too obnoxious or sacred to be pronounced here but by those who worship at its shrine—and should one who is not such a worshiper happen to pronounce the word, the most disastrous consequences are immediately predicted, the Union is to be dissolved, and the South to take care of itself."

He gave fervent expression to his personal opposition to slavery. "This principle," said he, "is deeply implanted within me; it has 'grown with my growth and strengthened with my strength.' In my infant years I learned to hate slavery. Your fathers taught me it was wrong in their Declaration of Independence."

Senator Morris made the most of Henry Clay's unfortunate reference to the ballot box and his declaration that law makes property.

In support of the rights of the petitioners to make their will effective he said:

"The senator complains that the means and views of the abolitionists are not confined to securing the right of petition only. No, they resort to other means, he affirms, to the ballot box. * * * Both political parties have courted them in private and denounced them in public, and both have equally deceived them. And who shall dare say that an abolitionist has no right to carry his principles to the ballot box? Who fears the ballot box? The honest in heart, the lover of our country and its institutions? No, sir! It is feared by the tyrant. He who usurps power and seizes upon the liberty of others,—he, for one, fears the ballot box. Where is the slave to party in this country who is so lost to his own dignity or so corrupted by interest and power that he does not, or will not, carry his principles or his judgment into the ballot box? Such a one ought to have the mark of Cain on his forehead, and be sent to labor among the negro slaves of the South. * * * The moral power of the ballot box is sufficient to correct all abuses. Let me, then, proclaim here, from this high arena, to the citizens not only of my own state, but to the country, to all sects and parties who are entitled to the right of suffrage, 'To the ballot box!' * * * Fear not the frowns of power. It trembles while it denounces you."

He pleaded strongly for the right to petition for the abolition of slavery in the District of Columbia and drew a vivid picture of the slave trade as it was carried on under the shadow of the Capitol. Here are a few brief sentences of his arraignment:

"The slave-trade exists here in all its horrors, and unwhipt of all its crimes. In view of the very chair which you now occupy, Mr. President, if the massy walls of this building did not prevent it, you could see the prison, the pen, the hell, where human beings, when purchased for sale, are kept until a cargo can be procured for transportation to a southern or foreign market. * * * Since Congress has been in session, a mournful group of these unhappy beings, some thirty or forty were marched, as if in derision of members of Congress in view of your Capitol, chained and manacled together, in open daylight, yes, in the very face of Heaven itself, to be shipped at Baltimore for a foreign market."

He referred to the excuse made by some senators that slavery must be preserved to avoid a dissolution of the Union. "It is slavery, then," said he, "and not liberty that makes us one people. To dissolve slavery is to dissolve the Union. Why require us to support the constitution by oath, if the constitution itself is subject to the power of slavery." And then he added:

"Change the form of the oath which you administer to senators on taking seats here, swear them to support slavery and, according to the logic of the gentleman, the constitution and the Union will both be saved. We hear almost daily threats of dissolving the Union: and from whence do they come? From the citizens of the free states? No! From the slave states only."

He challenged Clay's basis for slavery as a permanent institution:

"The senator finds consolation, however, in the midst of this existing evil, in color and caste. The black race, says he, is the strong ground of slavery in our country. Yes, it is color, not right and justice, that is to continue forever slavery in our country. It is the prejudice against color, which is the strong ground of the slaveholder's hope. Is that prejudice founded in nature, or is it the effect of base and sordid interests? Let the mixed race which we see here, from black to almost perfect white, springing from white fathers, answer the question. Slavery has no just foundation in color; it rests exclusively upon usurpation, tyranny, oppressive fraud and force. These were its parents in every age and country of the world?"

The speaker was especially severe in his dissent from the statement of Clay that law makes property in human beings. In this as in other sections of his well sustained and extended speech he rose to eloquence of thought and expression:

"The senator further insists that 'what the law makes property is property.' This is the predicate of the gentleman. He has neither facts nor reason to prove it. Yet upon this alone does he rest the whole case that negroes are property. I deny the predicate and the argument. Suppose the legislature of the senator's own state should pass a law declaring his wife, his children, his friends, indeed, any white citizen of Kentucky, property, and should they be sold and transferred as such, would the gentleman fold his arms and say, 'Yes, they are property, for the law made them such!' No, sir; he would denounce such law with more vehemence than he now denounces abolitionists and would deny the authority of human legislation to accomplish an object so clearly beyond its power."

If not in the eloquent periods of Webster on the same subject he pointed out with at least equal directness and force the effect of slavery on the growth and progress of two sister states:

"But, says the senator, we are yet a prosperous and happy nation. Pray, Sir, in what part of your country do you find prosperity and happiness? In the slave states? No! No! There all is weakness, gloom and despair; while in the free states, all is light, business and activity. What has created the astonishing difference between the gentleman's state and mine—between Kentucky and Ohio? Slavery, the withering curse of slavery, is upon Kentucky, while Ohio is free."

He made an appeal to the Senate and the country to resist the encroachments of the slave power:

"Are we to cease all exertion for our own safety and submit in quiet to the rule of this power? Is the calm of despotism to reign over this land and the voice of freedom to be no more heard? This sacrifice is required of us in order to sustain slavery. Freemen, will you make it? Will you shut your ears and your sympathies and withhold from the poor, famished slave a morsel of bread? Can you thus act and expect the blessings of Heaven upon your country? I beseech you to consider for yourselves."

He devoted some space to the charge that he was an abolitionist, which charge he met boldly as follows:

"If to maintain the rights of the states the security of the citizen from violence and outrage; if to preserve the supremacy of the laws; if insisting on the right of petition, a medium through which every person subject to the laws has an undoubted right to approach the constitutional authorities of the country—be the doctrines of abolitionists it finds a response in every beating pulse in my veins. Neither power, nor favor, nor want, nor misery shall deter me from its support while the vital currents continue to flow."

There was at times, a touch of pathos in the speech. The speaker was conscious of what his stand had cost him. He was not insensible to the loss of strong friendships—to the severing of political and personal ties that for years had been unshaken. To these thoughts he referred briefly as he approached the conclusion of his address:

"Condemned at home for my opposition to slavery, alone and single handed here, well may I feel tremor and emotion in bearding this lion of slavery in his very den and upon his own ground. I should shrink, Sir, at once from this fearful and unequal contest were I not thoroughly convinced that I am sustained by the power of truth and the best interests of the country."

He seemed to be sustained not only by the conscious rectitude of his course, but by faith in the ultimate triumph of his cause:

"I have endeavored to warn my fellow citizens of the present and approaching danger, but the dark cloud of slavery is before their eyes and prevents many of them from seeing the condition of things as they are. That cloud, like the cloud of summer, will soon pass away and its thunders cease to be heard. Slavery will come to an end and the sunshine of prosperity warm, invigorate and bless the whole country."

After the simple statement that this was probably the last time that his voice would be heard in the Senate and an expression of the pleasure that he anticipated in returning to his native state, he said in conclusion:

"I hope on returning to my home and my friends, to join them again in rekindling the beacon-fires of liberty upon every hill in our state, until their broad glare shall enlighten every valley and the song of triumph will soon be heard; for the hearts of our people are in the hands of a just and holy Being, who can not look upon oppression but with abhorrence, and He can turn them whither-so-ever he will as the rivers of water are turned. Though our national sins are many and grievous, yet repentance, like that of ancient Nineveh, may divert from us that impending danger which seems to hang over our heads as by a single hair. That all may be safe, I conclude that the negro will yet be set free."

The circumstances under which this courageous and defiant speech was made were not lacking in dramatic interest. It appears to have been wholly unexpected. When Senator Morris began his reply to Clay, but few spectators were present. Daniel Webster, in another wing of the Capitol, was arguing a case before the Supreme Court of the United States, and the crowds who were accustomed to hear the great orators of the day were with him. Soon the news spread, however, that something unusual was in progress in the Senate. The tide of visitors turned in that direction and speedily filled the galleries. As Senator Morris dealt blow after blow against the arguments of Clay, with an occasional stroke at the position of Calhoun, and poured forth in dignified but scathing language his arraignment of slavery, his hearers were held by his unques-

tioned sincerity, his courage and his audacity. But the turbulent scenes which he anticipated did not occur. In the audience were doubtless many citizens of the District of Columbia who were interested in maintaining slavery there. Their feelings while listening to portions of the speech can be better imagined than described. When the time and circumstances under which he spoke are considered, it is remarkable that Morris escaped personal insult or injury. The resentment felt by the South found expression and one senator declared that Morris "deserved expulsion from the senate; that his presence was a contamination; that he soiled the very carpet on which he stood," and this sentiment was echoed by the partisan press and the Legislature of Virginia.

But Time, "the rectifier, where our judgments err," has reversed the dominant opinion of that day and the principles for which Ohio's brave representative stood alone in the United States Senate were long ago fully vindicated and permanently established in the constitution of the Republic.

The courageous opposition of Thomas Morris to slavery cost him his place in the United States Senate. The speech of Henry Clay cost that distinguished statesmen the presidency. He owned slaves, and his speech in defense of this species of property alienated so many of the anti-slavery men in his party that it was found inexpedient to nominate him for the presidency, and that honor went to William Henry Harrison. His opposition to the use of the ballot box by the abolitionists to accomplish the advancement of their cause seems to have been well founded, so far as the realization of his great ambition was concerned; for the abolitionists proceeded to organize the Liberty party and, in 1844, appealed to the ballot box and polled sufficient votes to defeat Clay for the presidency. Senator Morris, as candidate on that ticket for vice president, helped to accomplish that result. The defection of the anti-slavery whigs was not the only cause that led to the defeat of Clay, though that alone is believed to have been sufficient.

After the close of his service in the senate, Morris found opportunity as a private citizen to speak and act in opposition to slavery. He was called upon to address public meetings. These were attended largely by his former supporters in the democratic party. He was not at first willing to leave the party without appearing before it in convention to defend his attitude.

On January 8, 1840, he attended a democratic state convention in Columbus as a delegate from Hamilton County. The democratic Ohio Statesman and the whig Ohio State Journal made little mention of his presence; possibly because it was to the interest of both to promote as speedily as possible his exit from public notice.

The delegate called to preside over this convention was Thomas L. Hamer, former protege of Morris and now a popular democratic leader. Among the delegates from Clermont County sat Jonathan D. Morris, son of Thomas Morris; also John Brough and David Tod. In this convention was William Sawyer, the outspoken partisan leader, later elected to Congress and a delegate to the second constitutional convention of Ohio, who believed that the negro should have all the rights enumerated in the Declaration of Independence, provided he would go to the black man's country, Africa, to enjoy these rights.

The convention passed resolutions against anti-slavery agitation and declared that "no sound democrat would have parcel or lot in it." Thomas Morris rose to defend his course in the United States Senate. He had not proceeded far when he was interrupted with demonstrations of disapproval and "coughed down."

Mr. Sawyer then rose and declared that he considered "the gentleman from Hamilton (Mr. Morris) a rotten branch that should be lopped off." This suggestion met with hearty approval and there were shouts of "Agreed!" "Agreed!" "Let him go!" "Turn him out of the party and all other abolitionists with him!"[12]

[12]Morris, "The Life of Thomas Morris," p. 191.

This was the final act in reading him out of the democratic party. He afterward became identified with the liberty party. On January 23, 1841, on his way home from an anti-slavery convention in Columbus, he stopped, on invitation, to deliver an address in Dayton, but he was prevented from doing so by a threatening mob. He spoke in other meetings where there were riotous disturbances, but nothing more dangerous than eggs were hurled at the speakers. In May, 1841, a convention in New York tendered him the nomination for the vice presidency on the liberty ticket. In the state convention of that party held in the Second Presbyterian Church in Columbus, December 28, 1842, he took a prominent part. At the national convention of the new party in Buffalo, August 30, 1843, he was nominated for vice president and accepted. The spirit in which he took this action is shown in a letter written to Dr. Gamaliel Bailey in 1841, when his name was placed in nomination for the same position by the New York state convention of the liberty party:

"This nomination was not only unsought, but unlooked for, by myself; but I can say, with perfect sincerity, that I received it and still view it as the highest honor ever conferred on me by any portion of my fellow citizens. Were I desirous of posthumous fame (which I believed all men are more or less) I had rather had my name inscribed upon the most obscure record of the friends of liberty, in the present struggle, than to be placed in the highest seats of power in opposition thereto. The liberty for which we contend is that which, like the star of Bethlehem, leads to the salvation of men."

In the campaign of 1844 he took an active part as the candidate of the liberty party for vice president. The result of the election has already been stated. On December 7, 1844, he was suddenly stricken and died at his homestead farm in Clermont County, near Bethel, Ohio.

The liberty party merged into the free soil party in 1848; and 1852, and the republican party of 1856.

The sons of Thomas Morris did not follow him into the liberty party. Jonathan D. Morris was elected to Congress as a democrat to succeed Thomas L. Hamer, who died in the War with Mexico; another son, Isaac D. Morris, served two terms in Congress as a democrat from an Illinois district.

On April 27, 1922, the centennial anniversary of the birth of Ulysses S. Grant was appropriately celebrated at the little Village of Point Pleasant, Ohio, where President Harding delivered the principal address. On the day following the celebration was continued at Bethel, for many years the home of the Grant family. Here United States Senator Frank B. Willis paid tribute not only to Grant, but to Thomas Morris, at whose request Thomas L. Hamer had recommended Grant for cadetship at West Point. In referring to the speech of Morris in reply to Henry Clay, Senator Willis said:

"The speech of Senator Thomas Morris of Ohio, delivered in the Senate on February 9, 1839, has never been excelled in that body in point of courage, logic and far-reaching effect. It awakened a lethargic Nation from the stupor of slavery."[13]

In the afternoon when the great audience was taking its departure from the neat and prosperous Village of Bethel, one of the pioneers of the place said to the writer:

"Senator Morris was all right. Everybody can see that now. The only trouble with him was that he was ahead of his time."

Yes, he was "ahead of his time." Somebody, it seems, must always be ahead of his time in order that the world shall move onward. Thomas Morris realized this and never regretted the temporary sacrifice to attain his proud place among the pioneers in the cause of universal liberty.

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[13]Ohio State Archæological and Historical Society, Publications, Vol. XXXI, pp. 347-348.

CHAPTER IV

BY FORCE OF ARMS

The institution of slavery presented a perplexing problem for which different solutions were suggested. Colonization had eminent supporters. Political organization and an appeal to the ballot box had been advocated. The purchase and liberation of the slaves by the Government had an occasional proponent. The Underground Railroad came into somewhat general use as a practical, though illegal, agency for gradual emancipation. The radical abolitionists and pro-slavery advocates seemed at times about to reach "the meeting of extremes" in an agreement peaceably to dissolve the Union.

It was natural, perhaps, that those to whom hostility to slavery had become an obsession should be impatient at the long war of words and the comparatively meager results. This was especially true in Kansas, where force and fraud had nullified the ballot box as an agency to prevent the extension of slavery to that territory.

The contribution of the Western Reserve to the anti-slavery movement in Ohio was important and distinctive. Conspicuous among its promoters were Joshua R. Giddings and Benjamin F. Wade, and a score of others could be named who acquired more than local fame in service of the cause. Among these was one whose name has been in a most unusual way impressed upon the history of the state and nation. His deeds to this day have been the subject of controversy and he has been characterized alternately by writers and eminent men as knave and saint, as lunatic and prophet, as monster and martyr. After the flight of more than sixty years conflicting opinions are still registered in regard to this unique personality that emerged from obscurity into tragic prominence on the plains of Kansas and in the beleaguered arsenal at Harper's Ferry.

It is not our purpose to essay the task of settling controversies and rendering final judgment. Such an effort would be vain. In view of the fact that John Brown was for most of his life a resident of Ohio and that a number of his followers in his final desperate enterprise were from this state, it has been deemed proper that a somewhat extended account of his activities should be recorded here. Recent histories of at least three other states have devoted much space to him. Assuredly no apology is necessary for ample representation in this contribution to the history of the state of his adoption.

John Brown

There is no dearth of material for this contemplated sketch. The events of the life of John Brown have been traced with industrious scrutiny from the date of his birth to his death on the gallows at Charlestown. It is really remarkable how every scrap of manuscript or other sources of information bearing upon his life has been sought and recorded by writers ever since his name became nationally known prior to the Civil war. His letters and those of his ancestors and immediate associates have been copied and printed in extenso with painstaking fidelity to delinquencies of orthography, capitalization and punctuation. Some writers have published the manuscripts verbatim

only supplying the modern approved capitalization and punctuation. Others have given them to us verbatim et literatim. Not even the letters of our most distinguished statesmen have been considered and published with more painstaking fidelity to content, including even the trivialities. It is a significant fact, but strictly true, that the numerous letters written by John Brown today command a higher price in the manuscript market than the letters of a number of our eminent presidents.

Although John Brown and his father had only the very meager education of the pioneers of their time, they evidently had the New England instinct for preserving correspondence which was common to their associates who came to the Western Reserve, and it is remarkable how much of their autobiographic effort and personal correspondence has been available for the industrious research of recent years.

Biographies of John Brown very properly start with Plymouth Rock. His ancestor, Peter Brown, the carpenter, came over in the Mayflower with the Pilgrims in December, 1620.

Detailed information is available in a number of works relative to the descendants of this ancestor. It is unnecessary to repeat here all that has been written. Peter Brown died in 1633 and his remains were buried at Duxbury, near those of the famous Captain Standish, whose monument now rises from the little promontory that faces the sea.

Peter Brown of the Mayflower left a son named after himself who moved to Windsor, Connecticut, shortly prior to 1658. He here became the father of thirteen children, one of whom, John Brown, was born January 8, 1668. He grew to manhood and was the father of eleven children, one of whom, John Brown second, was born in 1700 and died in 1790. His son, Capt. John Brown of West Simsbury, was the grandfather of John Brown of Osawatomie and Harper's Ferry fame. This grandfather was a soldier in the Revolution and died in the service, leaving a widow and eleven children, one of whom was born after he entered the army. This widow's maiden name was Owen and one of her sons named Owen was the father of John Brown, the militant opponent of slavery. A detailed account of his ancestry shows that Welsh, Dutch and English blood mingled in his veins. Both of his grandfathers were officers in the Revolution, and one of them, as we have seen, died in the service.

Owen Brown lived for a time in the Town of West Simsbury, now Canton, Connecticut. "Town" is used here in the New England sense and means township. Later he moved to Torrington, Connecticut, where his son, John, was born May 9, 1800. In 1804 Owen Brown made a journey to what was then the far West and visited Hudson with the thought of locating there. One year afterward he brought his family in a wagon drawn by an ox team, chose his place of habitation and became a citizen of the young state, Ohio.

The maiden name of John Brown's mother was Ruth Mills. Her father, Lieut. Gideon Mills, moved to Ohio in 1800, five years before Owen Brown and his family came to the state.

Fortunately for those interested, Owen Brown when nearly eighty years old and while living at Hudson wrote a biography covering rather fully the events of his life. This autobiography has a general interest for the reader, as it details the experiences, the trials, reverses and triumphs of the pioneers of our state and especially those who came over from Connecticut and settled on the Western Reserve. This brief narrative is taken up largely with the things that interested the average emigrant from the East who settled in this section. Much of it is devoted to family interests, the record of births and deaths of numerous children, the pursuits of the pioneers, efforts to get the merest rudiments of an education and the religious experiences which made up a prominent part of the history of Hudson and the surrounding country.

We quote briefly from this autobiography. The first paragraph that

follows is reproduced literally. The remaining paragraphs without the peculiarities of orthography and punctuation:

"We arrived at Hudson on the 27 of July and was received with many tokens of kindness we did not come to a land of idleness neither did I expect it. Our ways were as prosperous as we could expect. I came with a determination to build up and be a help in the seport of religion and civil Order. We had some hardships to undergo but they appear greater in history than they were in reality. I was often called to go into woods to make devisians of lands sometimes 60 or 70 Miles (from) home to be gone some two week and sleep on the ground and that without injery. When we came to Ohio the Indians were more numerous than the white people but were very friendly and I beleave were a benefit rather than an injery there [were] some Persons that seamed disposed to quarel with the Indian but I never had [such feelings] they brought us Venson Turkeys Fish and the like sometimes wanted bread or meal more than they could pay for, but were faithful to pay their debts.[1]

"In September, 1806, there was a difficulty between two tribes; the tribe on the Cuyahoga River came to Hudson and asked for assistance to build them a log house that would be a kind of fort to shelter their women and children from the firearms of their enemies. Most of our men went with teams and chopped, drew, and carried logs and put up a house in one day, for which they appeared very grateful. They were our neighbors until 1812, but when the war commenced with the British, the Indians left these parts mostly and rather against my wishes."

A glimpse of what the second war with England meant to this pioneer community may be had from the following quotation:

"In July, 1812, the war with England began; and this war called loudly for action, liberality, and courage. This was the most active part of my life. We were then on the frontier, and the people were much alarmed, particularly after the surrender of General Hull at Detroit. Our cattle, horses, and provisions were all wanted. Sick soldiers were returning, and needed all the assistance that could be given them. There was great sickness in different camps, and the travel was mostly through Hudson, which brought sickness into our families. By the first of 1813 there was great mortality in Hudson. My family were sick, but we had no deaths."[2]

John Brown inherited his opposition to slavery. This is clearly set forth in a statement by his father written about 1850:

"I am an abolitionist. I know we are not loved by many; I have no confession to make for being one, yet I wish to tell how long I have been one, and how I became so. I have no hatred to negroes. When a child four or five years old, one of our nearest neighbors had a slave that was brought from Guinea. In the year 1776 my father was called into the army at New York, and left his work undone. In August, our good neighbor, Capt. John Fast, of West Simsbury, let my mother have the labor of his slave to plough a few days. I used to go out into the field with this slave—called Sam—and he used to carry me on his back, and I fell in love with him. He worked but a few days, and went home sick with the pleurisy, and died very suddenly. When told that he would die, he said that he should go to Guinea, and wanted victuals put up for the journey. As I recollect, this was the first funeral I ever attended in the days of my youth. There were but three or four slaves in West Simsbury. In the year 1790, when I lived with the Rev. Jeremiah Hallock, the Rev. Samuel Hopkins, D. D., came from Newport, and I heard him talking with Mr. Hallock about slavery in Rhode

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[1]Fox extended extract literally reproduced, see Oswald Garrison Villard's "John Brown Fifty Years After," pp. 12-14; for a freer rendering of the entire autobiography, see F. B. Sanborn's "John Brown, Liberator of Kansas and Martyr of Virginia."

[2]Sanborn, "John Brown," p. 9.

Island, and he denounced it as a great sin. I think in the same summer Mr. Hallock had sent to him a sermon or pamphlet-book, written by the Rev. Jonathan Edwards, then at New Haven. I read it, and it denounced slavery as a great sin. From this time I was anti-slavery, as much as I be now."[3]

In 1857 when John Brown was in the midst of warfare against slavery and stationed at Red Rock, Iowa, he wrote in fulfillment of a promise a sketch of his life for Henry L. Stearns, a boy only thirteen years old. The occasion of the writing of this sketch was the gratitude of Brown to Mr. George Luther Stearns, a wealthy merchant and manufacturer of Boston whom Brown visited shortly after Christmas in 1856. Stearns had a beautiful home at Medford and here he entertained his guest, with whose anti-slavery views he was in cordial sympathy. The oldest son of the family was much interested in Brown and gave him some money that he had been saving to buy shoes for "one of those little Kansas children." When Brown left the boy exacted from him a promise that he would write the story of his boyhood days. This he did later at Red Rock, Iowa, and sent it to the Stearns family. The manuscript is still in existence. It has been published many times and we quote from it simply within the limitations of what may especially interest Ohio readers. He speaks of the long journey to Ohio, which he distinctly remembered, always referring to himself in the third person:

"When he was Five years old his Father moved to Ohio; then a wilderness filled with wild beasts, & Indians. During the long journey which was performed in part or mostly with an ox team; he was called on by turns to assist a boy Five years older (who had been adopted by his Father & Mother) & learned to think he could accomplish smart things in driving the Cows; and riding the horses."[4]

It is rather remarkable that no difference how large these pioneer families were they always seemed to have room for additions by adoption. The doors were usually open to a child or youth for varied periods of time as we shall see later. Again Browning in speaking of his coming to Ohio says:

"After getting to Ohio in 1805 he was for some time rather afraid of the Indians, & of their Rifles; but this soon wore off; & he used to hang about them quite as much as was consistent with good manners; & learned a trifle of their talk."[5]

He then proceeds to tell how he learned the tanner's trade under the direction of his father and to detail his youthful experiences, his association with Indian children and his fondness for pets. Of schooling he received very little. He says:

"Indeed when for a short time he was sometimes sent to School the opportunity it afforded to wrestle & Snow ball & run & jump & knocked off old seedy wool hats; offered to him almost the only compensation for the confinement, & restraints of school."[6]

As he grew older larger responsibilities came to him and he drove cattle, sometimes a distance of 100 miles. His experiences at this period are the foundations from which Elbert Hubbard built up much of his interesting novel, Time and Chance. As set forth in that story, Zanesville, Ohio, was the destination of this boy herdsman. We quote from what he has to say in regard to the war with England, as he saw it, and the influences that made him a foe to slavery:

"When the war broke out with England, his Father soon commenced furnishing the troops with beef cattle, the collecting & driving of which afforded him some opportunity for the chase (on foot) of wild steers & other cattle through the woods. During this war he had

[3]Ibid, pp. 10-11.
[4]James Redpath, "The Life of Capt. John Brown," p. 25.
[5]Ibid, pp. 25-26.
[6]Redpath, "Capt. John Brown," p. 27.

some chance to form his own boyish judgment of men & measures: & to become somewhat familiarly acquainted with some who have figured before the country since that time. The effect of what he saw during the war was to so far disgust him with military affairs that he would neither train, or drill; but paid fines; & got along like a Quaker until his age finally has cleared him of Military duty.

"During the war with England a circumstance occurred that in the end made him a most determined Abolitionist; & lead him to declare, or Swear: Eternal war with Slavery. He was staying for a short time with a very gentlemanly landlord once a United States Marshall who held a slave boy near his own age very active, intelligent and good feeling; & to whom John was under considerable obligation for numerous little acts of kindness. The master made a great pet of John; brought him to table with his first company; & friends; called their attention to every little smart thing he said, or did: & to the fact of his being more than a hundred miles from home with a company of cattle alone; while the negro boy (who was fully if not more than his equal) was badly clothed, poorly fed; & lodged in cold weather: & beaten before his eyes with Iron Shovels or any other thing that came first to hand. This brought John to reflect on the wretched; hopeless condition, of Fatherless & Motherless slave children: for such children have neither Fathers nor Mothers to protect, & provide for them. He sometimes would raise the question is God their Father?"[7]

It is worthy of note that through his youth and early manhood he was so thoroughly opposed to war that he refused to perform military duty and, like a Quaker, paid his fines. No one who knew him in this period of his life would have predicted that any cause would have moved him to appeal to arms and hasten the advent of a sanguinary and destructive Civil war.

Of his early religious experiences he says:

"John had been taught from earliest childhood to 'fear God & keep his commandments'; & though quite skeptical he had always by turns felt much serious doubt as to his future well being; & about this time became to some extent a convert to Christianity & ever after a firm believer in the divine authenticity of the Bible. With this book he became very familiar & possessed a most unusual memory of its entire contents."[8]

Again he reverts to his work at Hudson. He says:

"From Fifteen to Twenty years old, he spent most of his time working at the Tanner & Currier's trade keeping Bachelors hall; & he officiating as Cook; & for most of the time as forman of the establishment under his Father."[9]

While this youth was working in his father's tannery, another boy by the name of Jesse Grant, whose parents had come from Connecticut to Pennsylvania and later to Ohio, came to the Brown home and was admitted to the family. He and young John Brown worked side by side daily and became much attached to each other. Little did either dream of the future before him. John was to become the father of sons who should give their lives in an effort to overthrow the institution of slavery, and Jesse was to become the father of the general who should lead armed hosts to bind the states closer together and make freedom universal in America. Ulysses S. Grant, the son of Jesse, in his Memoirs, completed at Mt. McGregor July 1, 1885, has this to say of his father's apprenticeship in the tannery of Owen Brown:

"He went first, I believe, with his half-brother, Peter Grant, who, though not a tanner himself, owned a tannery in Maysville, Kentucky. Here he learned his trade, and in a few years returned to Deerfield and

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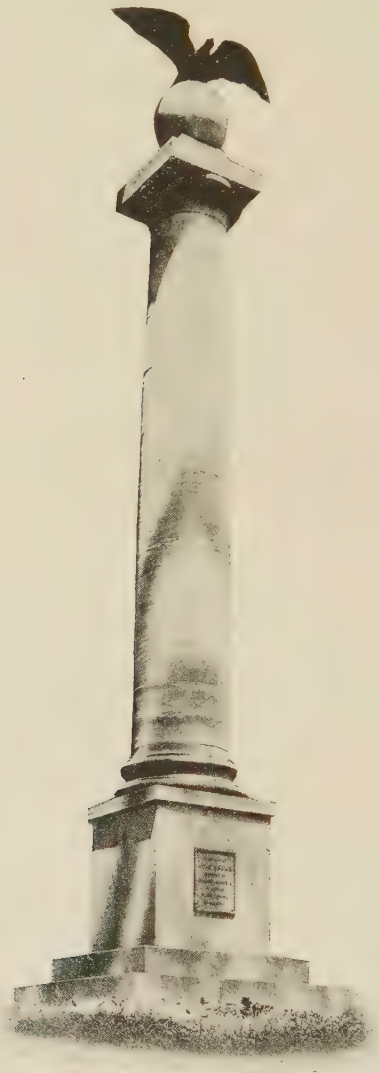
[7]Ibid, pp. 29-30.
[8]Redpath, "Capt. John Brown," p. 32.
[9]Ibid, p. 33.

worked for, and lived in the family of a Mr. Brown, the father of John Brown—'whose body lies mouldering in the grave, while his soul goes marching on.' I have often heard my father speak of John Brown, particularly since the events at Harper's Ferry. Brown was a boy when they lived in the same house, but he knew him afterwards, and regarded him as a man of great purity of character, of high moral and physical courage, but a fanatic and extremist in whatever he advocated. It was



John Brown Monument, Akron

certainly the act of an insane man to attempt the invasion of the South, and the overthrow of slavery, with less than twenty men."

In the War of 1812, Owen Brown contracted to furnish beef to Hull's army, which with his boy John he followed to or near Detroit. Though John was but twelve years old, in after years he recalled very distinctly the incidents of the long march, the camp life of the soldiers and the attitude of the subordinate officers toward their commander. From conversations that he overheard he concluded that they were not very loyal to General Hull. He remembered especially Gen. Lewis Cass, then a captain, and Gen. Duncan McArthur. As late as 1857 he referred

to conversations between the two and among other officers that should have branded them as mutineers. How much of this has foundation in fact and how much is due to erroneous youthful impression, must of course remain a matter of conjecture.

Like most children of his day, John Brown had very meager educational opportunities at Hudson. He supplemented the rudiments that he there acquired in the schools and the church by reading such standard books as "Æsop's Fables," "Life of Franklin" and "Pilgrim's Progress."

At the age of sixteen years he joined the Congregational Church at Hudson and later thought seriously of studying for the ministry. With this purpose in view he returned to Connecticut and entered a preparatory school at Plainfield, intending later to take a course at Amherst College. Inflammation of his eyes, however, prevented him from continuing his studies and he soon returned to Hudson. Later at odd moments he studied surveying and attained skill and accuracy in its practice. In 1820 he owned a copy of "Flint's Survey." Some of his surveying instruments are in the museum of the Ohio State Archæological and Historical Society, including his pocket and his field compasses, both in excellent state of preservation. His chief occupation, however, from 1819 to 1839, was the tanning of leather.

That John Brown was a normal youth is attested by the fact that he early fell deeply in love. This was not reciprocated and he wrote in a letter about forty years afterward that as a result he "felt for a number of years in early life a steady, strong desire to die." That he was normal is also proven by the fact that he was later comforted and married Diantha Lusk of Hudson, Ohio, June 21, 1820. She was an excellent woman, very devout and fully shared her husband's faith and enthusiasms. On July 25, 1821, the first child of this union, John Brown, Jr., was born. Among his earliest recollections was the presence in the home one night of some fugitive slaves that his father was helping on their way northward. This was about the year 1825.

Of the union of John Brown and Diantha Lusk three sons were born in Ohio: John, Jr., Jason and Owen.

In 1825 John Brown moved to Randolph (now Richmond) Pennsylvania. Here were born his children Frederick (1), Ruth, Frederick (2) who was named after Frederick (1) died, and an infant son who died and was buried with his mother three days after his birth.

John Brown married the second time Mary Ann Day, July 11, 1833. To them was born in Randolph one child, Sarah.

At Randolph Brown established a tannery and pursued his calling, at the same time serving as postmaster of the village. In his ample log dwelling a room was set aside for the local subscription school. Here he remained ten years, modestly prosperous in business, highly respected and comparatively happy in the midst of his large and increasing family. While in Pennsylvania his antagonism to slavery continued, and the liberation of the bondmen through the agency of education became with him a favorite theme of speculation. His life at Randolph is reviewed in interesting and satisfactory detail by Sanborn and Villard. The latter quotes from the recorded recollections of James Foreman, who worked in Brown's tannery. This record reveals Brown's devotion to his family, his sterling Puritanism and his zeal for liberty. While in Pennsylvania, on January 11, 1832, he organized an Independent Congregational Society, "its articles of faith being written out in his hand as clerk of the society."[10] Here he maintained a station on the Underground Railroad and aided negroes on their way to Canada and freedom.

From Randolph, Pennsylvania, in 1834 he wrote a letter to his brother in which he bore testimony to his interest in the liberation of the slaves. At this time it will be seen that he favored universal eman-

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[10]Villard, "John Brown," p. 25.

cipation but there is no intimation that he had concluded that it was to be brought about by force of arms. We quote from his letter as follows:

"Since you left me I have been trying to devise some means whereby I might do something in a practical way for my poor fellow-men who are in bondage, and having fully consulted the feelings of my wife and my three boys, we have agreed to get at least one negro boy or youth, and bring him up as we do our own—viz., give him a good English education, learn him what we can about the history of the world, about business, about general subjects, and, above all, try to teach him the fear of God. We think of three ways to obtain one: First, to try to get some Christian slave-holder to release one to us. Second, to get a free one if no one will let us have one that is a slave. Third, if that does not succeed, we have all agreed to submit to considerable privation in order to buy one. This we are now using means in order to effect, in the confident expectation that God is about to bring them all out of the house of bondage."[11]

In 1835 he returned to Ohio to enter the tanning business with Zenas Kent at Franklin Mills (now the Village of Kent) Portage County, Ohio. Scarcely had he finished the tannery at that place when the firm disposed of the property to Marvin Kent, the son of Zenas. John Brown then took the contract for the construction of that portion of the Ohio and Pennsylvania Canal between Franklin Mills and Akron. Believing that a large city was destined to spring up at Franklin Mills on the completion of the canal, he entered into extensive land speculations, making purchases entirely on his credit with practically no capital. Unfortunately shrewder business men were planning that the city should spring up at Akron rather than Franklin Mills and the diversion of the waters of Cuyahoga River to that site doomed the investments of Brown to a disastrous failure. The building in which he lived at Franklin Mills is still standing. A farm that he purchased in partnership with a Mr. Thompson was laid out in lots and platted by Brown. A few years ago the original plat in the handwriting of Brown was in the possession of the Kent family. The hard times of 1837 hastened the financial disaster which was assured when the water of the river was largely diverted to the rising Town of Akron. The failure of Brown involved to some extent his father, who had advanced money in aid of the project along with other creditors. As a result he was ultimately forced to bankruptcy. This led some who lost money through him to raise questions as to his honesty. Heman Oviatt of Richfield, Ohio, however, who lost money and became involved in law suits as a result of Brown's failure, bore willing testimony to his integrity as did other of his creditors.

After his failure in business at Franklin Mills and other failures later in life, he made a statement to his son John in which he clearly set forth the fact that his great mistake was due to his attempt to speculate on credit. His son quotes him as follows:

"Instead of being thoroughly imbued with the doctrine of pay as you go, I started out in life with the idea that nothing could be done without capital, and that a poor man must use his credit and borrow; and this pernicious notion has been the rock on which I, as well as many others, have split. The practical effect of this false doctrine has been to keep me like a toad under a harrow most of my business life. Running into debt includes so much evil that I hope all my children will shun it as they would a pestilence."[12]

The purchase of four farms on credit is declared "to have been a chief cause of Brown's collapse." If the city had been built at Franklin Mills instead of Akron, however, John Brown's financial career might have been very different. It is true nevertheless that a fatality

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[11]Sanborn, "John Brown," pp. 40-41.
[12]Sanborn, "John Brown."

seems to have followed practically all of his business ventures and the fundamental cause he seems at last to have fully realized as stated above.

His failure at Franklin Mills was followed by frequent shiftings from place to place and experiments in new ventures. He first returned to Hudson in 1837; went back to Franklin Mills later and again to Hudson. In 1838 he traveled about the country, making a trip to New York and Connecticut. For a time he was interested in the breeding of race horses; he drove cattle to Connecticut; he arranged to act as agent of a New York firm in the selling of steel scythes; he purchased Saxony sheep at West Hartford, Connecticut, on the 18th of January, 1838; subsequently made other purchases, shipped the sheep to Albany and thence drove them overland to Ohio. In June, 1839, his interest shifted to cattle; on the 15th of June, 1839, he received from the New England Woolen Company at Rockville, Connecticut, the sum of $2,800 for the purchase of wool. This money he appears to have used to relieve financial distress. He sincerely regretted his inability to meet his obligations as evidenced in letters written at the time and in others written when he was in prison in Charlestown in 1859.

In 1840 he and his father arranged to invest in Virginia (now West Virginia) lands. These belonged to Oberlin College and were located partly in the present counties of Dodridge and Tyler, West Virginia. John Brown on April 1st of that year entered into an agreement with the trustees of Oberlin College to purchase some of these lands. He was to make a survey of the same, report to the board of trustees and receive $1 a day and necessary expenses for his work. At this time he contemplated not only making a purchase of a portion of the lands but also moving his family to them. His surveys and reports were made in accordance with the agreement and he proposed to purchase 1,000 acres. Negotiations were delayed, however, and the trustees seem to have concluded the agreement at an end. In a letter written from Hudson, February 5, 1841, John Brown seemed to regret that he could not go to Virginia as he had planned, but credited the circumstances that prevented his going, as usual, to the intervention of providence.

In 1841 he turned his attention wholly to the raising of sheep, taking charge "of the flocks of Captain Oviatt at Richfield, Ohio." In this occupation he was successful for a time and developed great skill as a shepherd and judge of wool. While in Richfield four of his children died and three of them were buried at one time. In 1842 he received his discharge from bankruptcy resulting from the speculations at Franklin Mills, but practically all of his possessions were taken from him. He was permitted to keep "a few articles which the court had decided September 28, 1842, were absolutely necessary to the maintenance of the family—among them eleven bibles and testaments, one volume entitled Beauties of the Bible, one Church Members' Guide, besides two mares, two cows, two hogs, three lambs, nineteen hens, seven sheep and * * * three pocket knives valued at .37½"[13]

He succeeded so well in raising sheep and cattle that he became well known in Summit County. On April 10, 1844, he moved from Richfield to Akron where he established a tannery which was prosperous from the beginning. His disposition, however, to be dissatisfied with a modest degree of prosperity at his regular trade led him to form a copartnership with Simon Perkins, Jr., a successful business man of Akron. The firm of Perkins and Brown continued for a period of ten years. The family resided in a cottage on what is known as Perkins Hill. A portion of the building is still standing.

Writers have detailed at length the home life of John Brown. His disposition to seek new fields and experiment with new enterprises took him frequently from his home, but he was at all times deeply interested

[13]Villard, "John Brown," p. 34.

in his family as his letters and the uniform testimony of his neighbors clearly show. He was a strict disciplinarian and required unquestioning obedience from his numerous children. He at first used the rod somewhat freely, but according to the testimony of his sons always justly, never in wrath. He had a habit of frequently inflicting punishment upon himself at the same time, on the ground that the child's offense had probably been due in a measure to his own neglect of duty as a father. After punishing the boy he would bare his own shoulders and require the boy to use the lash on him. With the residence at Akron came better educational advantages for his children, especially John Brown, Jr., and his sister, Ruth.

John Brown's financial failures and lack of judgment in business matters brought him frequently into the courts of Portage and Summit counties, a detailed account of which is set forth by Villard (pages 36-41).

In 1846 Brown had ventured upon the enterprise of wool merchant in Springfield, Massachusetts, for the firm of Perkins and Brown. Hither he moved his family. Here he met Frederick Douglass, who has given an interesting picture of Brown and his family as he saw them there. The object of the venture of Perkins and Brown at Springfield was the establishment of an office to classify wools for wool growers in order that they might be able to command a fair price for their product. The purpose was somewhat akin to the cooperative market projects of the present day. Brown and Perkins probably hoped to do for the infant wool industry of this country what associations have accomplished so successfully for the fruit growers of California and other states. The letter-book covering many pages, the greater portion of it in the handwriting of John Brown, and the remainder written by his son, John Brown, Jr., who had a good education, is now in the museum of the Ohio State Archælogical and Historical Society and gives a very satisfactory insight of the work of the representatives of this firm through many busy months. An export trade to England was inaugurated and for a time the prospect was very bright for the building up of a flourishing business. It appears that the firm received by consignment large quantities of wool which they sometimes had difficulty in marketing. To one of their patrons who complained of the delay in remitting for his wool John Brown sent the following explanation which is here reproduced because of its Ohio connection:

"We have at last found out that some of the principal manufacturers are leagued together to break us down, as we have offered them wool at their own price & they refuse to buy. . . We hope every wool-grower in the country will be at Steubenville (Ohio) 2d Wednesday of Feb'y next, to hear statements about the wool trade of a most interesting character. There is no difficulty in the matter as we shall be abundantly able to show, if the farmers will only be true to themselves. * * * Matters of more importance to farmers will then be laid open, than what kind of Tariff we are to have. No sacrifise kneed be made, the only thing wanted is to get the broad shouldered, & hard handed farmers to understand how they have been imposed upon, & the whole matter will be cured effectually."[14]

This proposed meeting was held and Brown appeared according to agreement and made an address that satisfied the Ohio wool growers. The manufacturers in the East, however, continued to make trouble for him and he found it difficult to dispose of the wool. He conceived the idea that by making a trip to Europe he could find market for his product. Accordingly he sailed August 15, 1849, in the steamer Cambria and arrived in London on the 27th of that month. He failed, however, to find sale for the wool in either London or Paris. He had shipped wool to London and was forced to accept a much lower price

[14]Villard, "John Brown," p. 60.

than he could have gotten in America. This meant disaster for his venture as a wool merchant. While abroad he visited not only London and Paris but Calais, Hamburg and Brussels. From the last named city he made a side trip to the battlefield of Waterloo. Evidence is not lacking that even at this time battlefields had an attraction for him and he was interested in the plans of the great combats of history. The final winding up of the wool business extended over a number of years and led to much litigation. It appears, however, that in spite of the losses sustained Colonel Perkins continued to entertain a friendly feeling for Brown. In a letter to Oswald Garrison Villard of December 26, 1908, Mr. George T. Perkins of Akron wrote:

"My father, Simon Perkins, was associated with Mr. Brown in business for a number of years, and always regarded him as thoroughly honest and honorable in all his relations with him. Mr. Brown was, however, so thoroughly impractical in his business management as he was in almost everything else, that the business was not a success and was discontinued. Their relations were afterwards friendly."

The senior member of the firm did not sympathize with Brown's extreme anti-slavery views. In 1878 Colonel Perkins said to Mr. F. E. Sanborn: "Do you mean to connect me with that Virginia affair? I consider him and the men that helped him in that the biggest set of fools in the world."

While in Springfield he was identified with Zion Methodist Church, made up largely of those who had withdrawn from other congregations because of their pronounced anti-slavery views. He became deeply interested in the plan of Gerrit Smith, the famous anti-slavery leader, who had offered to give 120,000 acres of land in Northern New York to worthy colored people. Early in 1848 Brown decided to move his family and establish his home among the negro colonists. He visited Smith on April 8, 1848, and entered into an agreement to move his family to North Elba and aid in directing the negroes, who settled on the land offered by Smith, in clearing away the forts and establishing homes of their own. He moved to North Elba in the spring of 1849. Here he engaged again in stock raising. The original white settlers in the North Elba region were not pleased by the coming of the blacks and the success of the experiment of Brown and Smith was not especially encouraging.

That the experiment of establishing a colony of free blacks in the rugged and somewhat inhospitable climate of Northern New York should prove a disappointing and visionary enterprise was not surprising. No wonder that Brown in actual experience with the colored freed-men became a little impatient at times and realized the importance of teaching these people lessons of thrift and industry. To meet the needs of the situation he wrote in 1848 or 1849 for the Ram's Horn, an abolition paper, a contribution entitled "Sambo's Mistakes." It purports to be from the pen of a colored man by the name of Sambo and is divided into three chapters. The "mistakes," which Sambo sees and regrets, were such as the colored people in the colonly and elsewhere were prone to make. It was evidently the object of the contribution to help the blacks to see and correct their mistakes. In the practical test of his benevolent purpose Brown must have been somewhat disillusioned.

In the year 1851 he organized in the City of Springfield a branch of the "United States League of Gileadites." This was an organization of colored people for the purpose of defending themselves and advancing their interests. The principles of the league were embraced in the "Words of Advice" written by Brown. They counseled self-defense and resistance of arrest by force of arms.

It will be remembered that a little earlier the Compromise of 1850 was enacted, including the famous Fugitive Slave Law. It is needless to say that Brown, like other abolitionists, was very hostile to this law and that he began about this time to meditate an armed attack upon the

institution of slavery. Late in the year 1854 or early in 1855 he is reported to have had in mind an attack on Harper's Ferry: "First, to frighten Virginia and detach it from the slave interest; second, to capture the rifles to arm the slaves; and third, to destroy the arsenal machinery so that it could not be used to turn out more arms for the perhaps long guerrilla war that might follow."[15] In the meantime Brown continued in the partnership of Perkins and Brown. In 1851 he moved his family again to Akron, where he took up once more sheep raising and pursued it with success to his satisfaction and that of his partner, Mr. Perkins.

After the removal of his family to North Elba, New York, in 1854, and his withdrawal from the firm of Perkins and Brown, he found himself comparatively free to venture upon some new enterprise. His sons had grown up; some of them remained in Ohio; he could leave his family in New York with his son, Watson, who was then a young man, and choose his field of action. About this time five of his sons decided to leave Ohio and seek a new home in Kansas, then the Western frontier of American civilization. The impelling motive is set forth pretty clearly in the statement of one of the sons. In the years 1853 and 1854 many Ohio newspapers contained glowing accounts of the extraordinary climate, healthfulness and fertility of the Territory of Kansas. The efforts of Northern men to make this a free state also had its appeal for the Browns. In the month of October, 1854, three of the sons of John Brown—Owen, Frederick and Salmon—left their homes in Ohio and started on the Western journey. They took with them eleven head of cattle, three horses, two small tents, a plow and other farm tools. They proceeded by way of the lakes to Chicago and thence to Meridosa, Illinois, where they remained for the winter. Early the next spring they proceeded with their cattle and horses to Kansas and settled about eight miles from Osawatomie. As soon as the rivers were navigable, John, Jr., and Jason proceeded by way of the Ohio, Mississippi and Missouri rivers to join the three brothers who had preceded them. At Saint Louis when they took passage on a steamboat up the Missouri they found themselves in company with a large number of men mostly from the South on their way to help make Kansas a slave state. It is needless to say that the Brown boys found little sympathy with their fellow passengers, whose "drinking, profanity and display of revolvers and bowie knives—openly worn as an essential part of their make-up—clearly showed the class to which they belonged."

"A box of fruit trees and grape vines," said John Brown, Jr., "which my brother Jason had brought from Ohio, our plow and the few agricultural implements we had on the deck of that steamer looked lonesome; for these were all we could see which were adapted to the occupations of peace."[16]

Jason Brown's little son, aged four years, fell a victim to the scourge of cholera on this trip and was buried at night near Waverly, Missouri, where the boat had stopped for repair. As the two brothers took him to his last resting place, their way "illumined only by lightning and a furious thunder storm, the captain of the steamer without warning embarked again on the river leaving them as best they could to find their way to Kansas City." The unpleasant journey, however, was at last completed and the brothers arrived in Kansas, whose "lovely prairies and wooded streams seemed * * * indeed like a haven of rest."[17] The five brothers were finally reunited and entered with enthusiasm upon the building of new homes on these fertile prairies of the West.

There were, however, drawbacks to this seeming paradise. Settlements were made usually along the flowing streams, the lurking places

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[15]R. J. Hinton, "John Brown and His Men," pp. 587-588.
[16]Sanborn, "John Brown," p. 189.
[17]Sanborn, "John Brown," p. 190.

of malaria, and the new settlers were soon shaking with the ague. Controversies sprang up among them on the question of slavery and divided them into hostile camps.

The events of the next few years in the life of John Brown, strictly speaking, do not come within the limitations of this work, but the fact that Ohio men figure prominently in the lurid annals of "bleeding Kansas" is considered ample apology for continuing the thread of this narrative beyond the borders of our state. In the long struggle for freedom that began with the suggestion of Timothy Pickering in 1783 for a new state beyond the Alleghanies with a solemn compact against slavery and ended with the Civil War the course of progress was unbroken. There were reverses, delays and defeats, but these were temporary. The friends of the movement had established their citadel in the Northwest Territory under the Ordinance of 1787, the basic principles of which they hastened to defend on the Western border.

In the fierce struggle on the plains of Kansas, Ohioans bore a conspicuous and often a dominating part.

Thomas W. Barber from Ohio was killed by the pro-slavery party and the deed became widely known through a poem by John G. Whittier. Quantrill, the Confederate guerilla chieftain, who acquired in Kansas a sinister fame, was a native of Ohio, as were many who were enrolled in the Free State army of Gen. James H. Lane.

Wilson Shannon and Samuel Medary at different times served as governor of Kansas Territory. The former was appointed by President Pierce and the latter by President Buchanan. Both were from Ohio and had been prominent in the political activities of this state. Shannon had been its governor.

Other Ohio men, less prominent, were not less powerful in shaping the destiny of Kansas in the days of stress and controversy over slavery. They were so numerous that they were the dominating influence in the convention that gave Kansas her free constitution. The census of 1860 shows that Ohio had at that time contributed more than any other state to the population of Kansas. Many immigrants came from Indiana, Illinois, Michigan and Wisconsin, and it might be truthfully said that Kansas was a child of the Northwest Territory.

John Brown did not carry the war into Kansas. It had preceded him and was well under way at least one year before he reached the territory. The invasion from Missouri and the South was in full sway. His sons who had preceded him were already involved in the controversy. They were outspoken in their attitude of hostility to slavery. John Brown, Jr., on June 25, 1855, was chosen vice president of the Free State Convention held in Lawrence on that day. He was on the committee that reported among other resolutions one containing this "defy" to the Missourians: "In reply to the threats of war so frequently made in our neighbor state, our answer is, 'We are ready.'" For this attitude the Browns were "marked men" long before their father appeared on the scene.

With a free vote and a fair count the ballot box might have postponed the appeal to arms in Kansas, but fraud and violence had paralyzed this constitutional agency for the peaceful adjustment of controversies.

At previous elections the territory had been overrun by Missourians, and the most flagrant frauds had been openly perpetrated. At the election for delegate to Congress November 29, 1854, they cast 1,729 fraudulent votes. In one district where the census three months later showed only fifty-three voters, 602 votes were cast and counted. At the election of members of the Territorial Legislature, March 30, 1855, this outrage was even more brazenly repeated. "Of 6,307 votes cast, nearly five-sixths were those of the invaders." The Pro-Slavery party by intimidation and violence elected all the members of the Legislature except one and he afterward resigned. This was the famous Lecompton Legis-

lature which forced upon the people of Kansas the Missouri code, including the institution of slavery.[18] It even went farther and made it a criminal offense for anyone to entertain and express opinions hostile to that institution.

On October 1, 1855, occurred the Pro-Slavery election for territorial delegate to Congress. At this election 2,721 votes out of 2,738 were cast for Gen. J. W. Whitfield, the Pro-Slavery candidate. The Free State electors did not go to the polls. Eight days later they had their election in which they cast 2,849 votes for their candidate, former Governor Reeder. The Pro-Slavery governor of Kansas, Wilson Shannon, recognized the election of Whitfield and the United States House of Representatives gave him his seat in that body February 4, 1856. Upon the report of an investigating committee, however, he was afterwards unanimously ousted, but Reeder was not given the place.

That it was not John Brown's intention originally to go to Kansas is clearly indicated in a letter that he wrote to his son, John, August 21, 1854. In this he said:

"If you or any of my family are disposed to go to Kansas or Nebraska, with a view to help defeat Satan and his legions in that direction, I have not a word to say; but I feel committed to operate in another part of the field. If I were not so committed, I would be on my way this fall."

In May of the following year, however, he received a letter from this same son describing terrible conditions that had developed in Kansas as a result of the effort to make it a slave state. The appeal in this letter was so strong that Brown decided he would join his sons and lend every possible aid to those who were struggling to make Kansas free. He began at once to plan for collecting arms, ammunition and other supplies that might he helpful in his latest enterprise. Money was raised for this purpose in the anti-slavery convention at Syracuse on the 28th of June and later in Akron, Ohio, where his appeal met a generous response. On August 15, 1855, he reported his success in obtaining "guns, revolvers, swords, powder, caps and money." He proceeded by way of Cleveland, Detroit and Chicago and after a number of interesting experiences in his overland journey reached the family settlement near Osawatomie, October 7, 1855.

Life in Kansas wrought a pronounced change in John Brown. This Western border offered the opportunity for the warfare that he desired to wage against slavery. "The staid, somber merchant and patriarchal family head was ready to become Capt. John Brown of Osawatomie, at the mention of whom Border Ruffians and swashbuckling adherents of slavery trembled and often fled."[19]

While he was pleased with Kansas, he did not go there to make it his permanent home. He went to fight slavery, to aid his sons and others of their faith to make Kansas a free state. The contest had begun long before he went West. Letters from his sons and newspaper accounts carried to him information of Border Ruffian invasions and outrages months before he decided to answer the call to this new field of action.

The Free State men of the Territory had called a convention which met at Topeka, October 23, 1855, framed a constitution that prohibited slavery and submitted it for popular approval. It provided for the election of state officers and members of the Legislature and fixed the place and date of the meeting of that body at Topeka, March 4, 1856.

The Free State men had been outvoted a number of times by invaders from Missouri and the South with whom the election officers and the national administration were in sympathy. They were thus forced to hold elections of their own as a safeguard against fraud. This finally

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[18]This is the "Kansas Legislature," referred to by John Brown in his letter of February 20, 1856, to Joshua R. Giddings.

[19]Villard, "John Brown," p. 77.

resulted in dual legislatures, dual constitutions, dual officers and dual laws—an ideal condition for the strife and bloodshed that attracted the attention of the whole country.

The opposition of the Pierce administration to the free state movement, the excesses of the Pro-Slavery party at Leavenworth, the threats of raiders from Missouri and the invasion of a large armed force from that state for the avowed purpose of destroying Lawrence aroused the Free State men to armed resistance and "minute men" were hastily organized and hurried to the defense of that town. Among these was a company known as the "Liberty Guards," commanded by John Brown with the rank of captain, a title that followed him for the remainder of his life. His company belonged to the Fifth Regiment of Kansas Volunteers, under the command of Col. George Smith, in the army of Gen. James H. Lane, "called into the service of the people of Kansas to defend the City of Lawrence * * * from threatened demolition by foreign invaders."

This army at once threw up defenses about the threatened town. In this work Captain Brown became conspicuous for his energy and resourcefulness. "His presence," said an eye witness, "lightened up the gloom of the besieged in their darkest hour."

In the operations about Lawrence one Free State man, Thomas W. Barber of Ohio, was killed. His body, which was brought to a building occupied by Brown's company, was viewed by the wife and friends of the murdered man. Of this sad affair Brown wrote:

"I will only say of this scene that it was heart-rending and calculated to exasperate the men exceedingly; and one of the sure results of civil war."

The pitched battle that seemed imminent did not occur. Governor Wilson Shannon effected a compromise between the contending parties by the terms of which the invaders were to leave Kansas Territory. The Free State men were encouraged to believe that in armed resistance they had an effective defense. Brown wrote hopefully: "Free State men have only hereafter to retain the footing they have gained, and Kansas is free."[20] The defense, which is known as the Wakarusa War," ended with the signing of the terms of compromise, December 8, 1855.

The truce, however, was of short duration. John Brown, Jr., who had been active in the preliminary meetings that resulted in the "Topeka movement" to make Kansas a free state, was elected a member of the Legislature. The radical anti-slavery views of the Browns, which had perhaps been intensified by the coming of the father, made them increasingly obnoxious to the Pro-Slavery party.

The early part of the winter 1855-1856 passed rather quietly. The Free State men were gathering strength and organizing for the admission of Kansas without slavery. Their convention adopted a constitution and a Free State legislature was chosen. John Brown, Jr., was elected to the latter.[21]

On January 24, 1856, President Pierce sent to Congress a message that fanned to flaming heat the resentment of the Free State men. It characterized their acts in attempting to organize the state as revolutionary and likely to lead to "treasonable insurrection." This message was followed by a proclamation placing the United States troops at Fort Riley at the service of Governor Shannon, who was in complete sympathy with the movement to make Kansas a slave state. This proclamation foreshadowed the dissolution of the Free State Topeka legislature by the military forces of the United States. The feelings that this aroused in John Brown are fully revealed in the following

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[20]Sanborn, "John Brown," pp. 219-220.

[21]The Free State Legislature was chosen by the free state party. The pro-slavery party did not participate in the election.

letter to Joshua R. Giddings, then representing the Western Reserve District of Ohio in Congress:

"OSAWATOMIE, KANSAS TERRITORY, 20th Feby, 1856.

"HON. JOSHUA R. GIDDINGS,
"Washington, D. C.
"DEAR SIR,

"I write to say that a number of the United States Soldiers are quartered in this vicinity for the ostensible purpose of removing intruders from certain Indian Lands. It is, however, believed that the Administration has no thought of removing the Missourians from the Indian Lands; but that the real object is to have these men in readiness to act in the enforcement of those Hellish enactments of the (so called) Kansas Legislature; absolutely abominated by a great majority of the inhabitants of the Territory; and spurned by them up to this time. I confidently believe that the next movement on the part of the Administration and its Proslavery masters will be to drive the people here, either to submit to those Infernal enactments; or to assume what will be termed treasonable grounds by shooting down the poor soldiers of the country with whom they have no quarrel whatever. I ask in the name of Almighty God; I ask in the name of our venerated fore-fathers; I ask in the name of all that good or true men ever held dear; will Congress suffer us to be driven to such "dire extremities"? Will anything be done? Please send me a few lines at this place. Long acquaintance with your public life, and a slight personal acquaintance incline and embolden me to make this appeal to yourself.

"Everything is still on the surface here just now. Circumstances, however, are of a most suspicious character.

"Very respectfully yours,
"JOHN BROWN."[22]

This letter received prompt attention at the hands of the militant congressman who replied in part:

"You need have no fear of the troops. The President will never dare employ the troops of the United States to shoot the citizens of Kansas. The death of the first man by the troops will involve every free state in your own fate. It will light up the fires of Civil War throughout the North, and we shall stand or fall with you. Such an act will also bring the President so deep in infamy that the hand of political resurrection will never reach him."[23]

On the day that Brown wrote the letter to Joshua R. Giddings, February 20, 1856, The Squatter Sovereign[24] said editorially:

In our opinion the only effectual way to correct the evils that now exist is to hang up to the nearest tree the very last traitor who was instrumental in getting up, or participating in, the celebrated Topeka Convention.

The Topeka Legislature met March 4, 1856, and was continuously in session until March 15, when it recessed to July 4 of that year. On that national anniversary it was dissolved by military authority of the United States government. John Brown, Jr., was an active and fearless member and was one of the fifteen legislators who signed the memorial to Congress asking for the admission of Kansas as a free state under the Topeka constitution. For his political activity he was afterwards made to suffer an awful penalty.

It is impossible, of course, accurately to present the agitated condition of the public mind in the United States at the time of the events here chronicled. It was not confined to "bleeding Kansas." It had extended to every state. Reason seemed to have fled from the forum.

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[22]Villard, "John Brown," p. 131.
[23]Sanborn, "John Brown," p. 224.
[24]Pro-slavery paper, published at Atchison, Kansas.

Faction and sectional bitterness ruled the hour. Legislative halls rang with threats and verbal assaults were followed by deeds of personal violence. In the United States Senate, Charles Sumner was beaten into insensibility by a club cane in the hands of Preston Brooks of South Carolina, because of a speech that Sumner had made in arraignment of slavery and the effort to force it upon Kansas. Pleas for the union had lost their power. The spirit of war—civil war—was in the air through all the land when the first red drops of the approaching storm were falling on the plains of Kansas.

In May the Missourians again invaded Kansas. On a mission of vengeance former United States Senator Atchison, at the head of 1,200 men, appeared before Lawrence. The citizens determined to offer no resistance and to put up to the authorities of the United States the responsibility for what might follow. After they had surrendered, Atchison in a fiery speech said among other things:

"And now we will go with our highly honorable Jones, and test the strength of that damned Free State Hotel. Be brave, be orderly, and if any man or woman stand in your way, blow them to hell with a chunk of cold lead."

The Border Ruffians, many of whom were inflamed by drink, sacked the town, destroyed two newspaper offices and threw the types, papers, presses and books into the river. A number of cannon shots were then fired into the Free State Hotel, which was soon on fire and went up in flames. When it lay in ruins the "highly honorable Jones" shouted in glee: "This is the happiest moment of my life. I have done it, by God, I have done it."[25]

It has been sometimes claimed that John Brown was in Lawrence at the time its destruction began. This is hardly true, however, as there would have been resolute resistance if he had been there. Some of his friends have claimed that what he saw at Lawrence was his excuse for the act of vengeance on the Pottawatomie, but Villard marshals a lot of evidence to show that John Brown was probably not present and that therefore he could not offer what he saw in excuse for what he later did. It seems very inconsequential whether he was present or not. He certainly heard of what occurred on the 21st of May before the action of his followers on the Pottawatomie on the night of the 24th of that month. And the conclusion cannot be escaped that he and his followers, with this fresh demonstration that the government of the United States would do nothing to preserve life and the semblance of civilization in Kansas, resolved to take the law into their own hands and by a terrible reprisal notify the Border Ruffians that henceforth they would send their hordes into Kansas at their own peril, that their armed assassins coming over the border would, in the language of Corwin, "be welcomed with bloody hands to hospitable graves."

Not only had he and his followers heard the details of the sacking and burning of Lawrence, but on their way back they got the news of the brutal attack on Sumner in the United States Senate. On hearing this, one of the party declared afterward that "the men went crazy, crazy. It seemed to be the finishing, decisive touch."[26]

The Pottawatomie affair, as Villard states, has caused perhaps more discussion than any other event in the history of Kansas Territory. Upon this the enemies of John Brown invariably dwell at length, while his friends are equally explicit with their apologies and defenses. On the night of May 24, 1856, five Pro-Slavery men, without warning and without opportunity to defend themselves, were taken from their homes and slain. It seems clearly established that they met their fate at the hands of a small band of men led by John Brown. Full particulars of this tragic deed are given by his biographies. John Brown himself

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[25]Villard, "John Brown," p. 146.
[26]Villard, p. 154.

killed no one, it is claimed, but he was present and later assumed full responsibility for what was done. John Brown, Jr., was some distance away and did not learn of the tragedy until some time after it had occurred. Col. Richard J. Hinton in his "John Brown and His Men" fully justifies what was done and terms it the "Pottawatomie executions." Villard strongly condemns the participants in what he terms the "Murder on the Pottawatomie." In an analysis of Brown's motive, however, Villard says: "He killed not to kill, but to free; not to make wives, widows and children fatherless, but to attack on its own ground the hideous institution of human slavery, against which his whole life was a protest."

After all has been said in arraignment, apology and defense, it is probably true that the friends of John Brown regret that this act had to be chronicled and that even his enemies must admit that his provocation was great.

The killings on the Pottawatomie startled the inhabitants of Kansas and aroused the Pro-Slavery party to retaliatory activity. Captain Pate, of Missouri, hastened with a company of volunteers on a mission of vengeance. He assisted in the capture of John Brown, Jr., and his brother Jason. Neither of these men had participated in the Pottawatomie affair, but the former was driven chained in front of horsemen over the burning Kansas plains and subjected to such harsh treatment that he became insane. In this condition he was thrown into prison. The homes of the two brothers were burned by the invaders.

In the meantime, Captain Pate has turned his attention to John Brown and his party, expecting soon to capture them. Brown heard of this and prepared to meet the Missourians. The two parties met June 2 at Black Jack, where the first pitched battle was fought between Pro-Slavery and Anti-Slavery forces. At its conclusion, Pate and all of his men surrendered unconditionally to John Brown. The Missourians were astounded when they heard that their company which had gone to avenge those who fell on the Pottawatomie had themselves fallen into the hands of Brown, whose name had now become a terror to Pro-Slavery men on the border. The battle of Black Jack was the most complete victory scored by Brown in Kansas, though it is not so famous as his defense of Lawrence and Osawatomie. It remains for some literary genius to describe it as the first battle of the Civil war, for here the North and the South met to settle the issue of slavery in open combat by force of arms.

Shortly afterward John Brown gave up his prisoners and captured arms to Col. Edwin V. Sumner, in command of the United States troops in this district and afterward a noted Union general in the Civil war.

The Topeka Legislature had adjourned to meet July 4, 1856. John Brown and his men were encamped near that city to be at hand if the threatened clash of arms should attend the opening of the session. Seventeen members answered to the roll call. John Brown, Jr., could not be present as he was at that time in prison. Other members were in the city, but before they could assemble Colonel Sumner appeared with Government troops and ordered the Legislature to disperse, declaring: "This is the most disagreeable duty of my whole life."

Later Brown and his men left Kansas, but he and his son Frederick soon returned. Free State men from the Northern states began to pour into the territory by way of Nebraska. This immigration was encouraged and financially assisted by various organizations in the East and powerfully stimulated by the eloquence of James H. Lane, whose appeal to Northern audiences turned many liberty loving, adventurous spirits toward the territory that was struggling to become a free state.

In the presidential campaign of 1856 the admission of Kansas was made a political issue. The republican party in its first national convention, June 17, 1856, adopted a resolution declaring that "Kansas

should be immediately admitted as a state with her present free constitution." In the House of Representatives at Washington a bill providing for the admission of Kansas as a free state under the Topeka constitution passed that body by a vote of ninety-nine to ninety-seven on July 3, 1856. The attention of the entire country with increasing interest now turned to Kansas.

Disregarding his son's protest that his father should not come to Lawrence for fear of arrest, John Brown accompanied by Lane arrived in that city. The Free State forces now prepared for aggressive war against their foes. As the Border Ruffians pushed the fighting in the earlier struggles of "Bleeding Kansas," their adversaries now rallied to the attack. Their policy, which earlier was purely and at times feebly defensive, had changed and their object now seemed to be to drive the Pro-Slavery element out of the territory. The Southern colonists of Southeastern Kansas trembled with dread at the news of the approach of John Brown. Their startled imagination placed him at the head of every movement of the Free State forces and every rumored raid in the territory. The correspondent of the New York Times referred to him as "the old terrifier" and "the terror of all Missouri."

For a time the Free State bands swept southward, driving the Pro-Slavery men before them. Franklin, "Fort" Saunders and "Fort" Titus successively fell into their hands with arms and ammunition. In the attack on "Fort" Titus the Free State men brought into requisition a cannon that they had previously captured and fired into the doomed fort shots moulded from the type of one of their newspaper offices. They gleefully shouted that they were delivering to Colonel Titus "a second edition of the Herald of Freedom." It is doubtful whether John Brown participated in any of these fights, but the vanquished saw his uncanny and ghostly presence in all of them.

In the midst of this strife and confusion, after giving up a number of Free State prisoners in exchange for Pro-Slavery men held by Lane and his lieutenants, Governor Shannon resigned his office. President Pierce refused to accept the resignation but peremptorily removed Shannon from office. His administration had been a stormy one and he withdrew with relief to himself and to the evident satisfaction of the contending parties who had filled the record of his brief term of office with turmoil and confusion. The governorship of Ohio has not always been a pleasing job, but Governor Shannon could certainly bear testimony that it is a position under all circumstances much to be preferred to the governorship of the Territory of Kansas in the days of "Jim" Lane, John Brown and "Dave" Atchison. Wilson Shannon, who had previously served as governor of Ohio, spent his last days peacefully as a citizen of Lawrence, Kansas, and reestablished himself in the good will of many who had been his critics and foes.

John Brown was not long inactive. He was now prepared to give the Pro-Slavery settlers some of their own medicine. With a company of thirty or forty men, which was soon increased by union with another company, he added to his equipment by contraband seizures until his force was well mounted, well armed and well supplied with food and ammunition. He was getting ready to meet another invasion from Missouri.

After capturing a number of prisoners and about 150 cattle, John Brown entered the Town of Osawatomie for the purpose of defending it against the invading army under Atchison. His arrival was now marked by a cloud of dust that enveloped his captured herd and motley troopers, giving to the column an imposing and forbidding aspect. The number of his men was comparatively small, not over 100 effectives, and against them was now marching an invading army from Missouri 1,000 strong, under the command of Gen. David R. Atchison, formerly a United States senator from that state.

Atchison assemblied his army about forty miles from Osawatomie.

He sent forward Gen. John W. Reid with 250 men and a cannon to destroy that town. On his way Reid was joined by other Pro-Slavery men, including Rev. Martin White. As they approached in the dawning twilight, White met Frederick Brown and before the latter could grasp the situation shot him through the heart. He afterward tried to excuse his sanguinary act on the ground that his home had been attacked. He said:

"The same day I shot Fred, I would have shot the last devil of the gang that was in the attack on my house, if I had known them and got a chance."[27]

It will thus be seen that in these stirring times even the ministers of the Gospel in Kansas had their blood up to the fighting temperature. John Brown coolly commented on this act as follows:

"Old preacher White, I hear, boasts of having killed my son. Of course he is a lion."[28]

After the killing of Frederick Brown the forces under General Reid advanced to the attack on Osawatomie. Brown with about forty resolute men prepared to defend the place. One of his followers said to him, "What do you want me to do?" "Take more care to end life well than to live long," was the grim answer. The Missourians opened fire on the town and Brown's men replied with spirit. When men and horses in the advancing columns were struck with balls from the Sharpe rifles there was confusion in the advancing line. Their leader, however, with drawn sword led them to the charge. The Free State men were gradually driven out of the town but held their position along the stream. From the underbrush and rocks they poured a hot fire into the ranks of the Missourians. Reid brought his cannon into action and Brown's men were finally driven across the Marias des Cygnes, which runs near the town. As soon as the Border Ruffians entered the place they commenced plundering and burning it. General Reid claimed that in this battle about thirty Free State men were killed, including "a son of old Brown and probably Brown himself." In John Brown's report of the battle he says:

"The loss of the enemy, as we learned by different statements of our own as well as other people, was some thirty-one or two killed, and from forty to fifty wounded."[29]

He speaks of his own loss as two killed in battle; three missing, probably captured, and two wounded. On their part the Missourians claimed that they had none killed and five wounded. Just what the losses were in the engagement will perhaps never be known.

As John Brown and his son Jason stood on the bank of the stream watching the smoke and flames of burning Osawatomie against the horizon, Brown is reported by his son to have said:

"God sees it. I have only a short time to live—only one death to die, and I will die fighting for this cause. There will be no more peace in this land until slavery is done for. I will give them something else to do than to extend slave territory. I will carry the war into Africa."[30]

The attitude of the government at Washington while war was in progress between the Pro-Slavery and Free State men of Kansas is significant. United States troops were there ostensibly to keep the peace and maintain the authority of the general government, but for the most part, due to political considerations perhaps, they were inactive. While the Pierce and Buchanan administrations were frankly favorable to the Pro-Slavery party and the agents that they sent were understood to reflect the Washington view, after experience on the soil of Kansas, some of them materially revised their conclusions on the situation and sympathized with the Free State cause. This was notably true of

[27]Villard, "John Brown," p. 242.
[28]Sanborn, "John Brown," p. 320.
[29]Sanborn, "John Brown," p. 319.
[30]Villard, "John Brown," p. 248.

Governors Reeder and Geary and even the attitude of Governor Shannon was at times disappointing to the Pro-Slavery party.

Although John Brown was defeated at Osawatomie the stand that he made there added immensely to his reputation. Gen. James H. Lane ("Jim Lane," as he was popularly called) and some of his Free State associates were holding a "council of war" in Lawrence on September 7, which was interrupted by loud cheering in the streets. The bent form of old John Brown as he rode into the town with a rifle across his saddle bow aroused wild enthusiasm. The cheering was declared by an eye witness to have been "as great as if the president had come to town, but John Brown seemed not to hear and paid not the slightest attention."

He next proceeded to the home of Ottawa Jones, a friendly educated Indian, and found it in ruins. On September 10 he was joined by his son, John Brown, Jr., who had been imprisoned by the territorial agents of the Pierce administration without even the form of an indictment. He was finally released on bail, but was never afterward brought to trial. While in prison he had regained his reason, but he never fully recovered from the effects of the brutal treatment to which he was subjected immediately following his capture. He hurried at once to Lawrence, where an enthusiastic meeting of Free State men was in progress. He brought with him the chains with which he had been bound and which had been worn bright during his long imprisonment.[31]

About this time the new territorial governor, John W. Geary, appointed by Buchanan, arrived and made a sincere effort to end the civil war that had been raging in Kansas. He was supposed to have come with Pro-Slavery inclinations, but, like some of his predecessors, he gradually swayed so far in favor of the Free State cause that he found it expedient to resign.

Governor Geary began his administration by a vigorous restoration of order in the territory. He played no favorites. While he captured and threw into prison over 100 Free State men, he was equally zealous in his efforts to stop invasions from Missouri. Not long after he assumed the duties of his office another army from that state, more formidable than any previously sent, came to make one more desperate effort to capture Kansas for the slave power. Under the leadership of Reid, Heiskel, Stringfellow and Whitfield, this well organized and equipped force of 2,500 men moved forward with Lawrence, the Free State stronghold, as their objective. Governor Geary ordered Lieut.-Col. Joseph E. Johnson, now a United States army officer but later a famous Confederate general, to defend the town. This pleased the Free State men, as they began to feel that they would be protected in their constitutional rights by the new governor.

In the meantime, in the presence once more of imminent danger, the citizens of Lawrence threw up rude works and prepared for a siege. The ruined walls of the old Free State Hotel were used in building breastworks. John Brown was again there, giving directions, moving among the defenders and urging them to resist to the death the advancing host. It was on this occasion that he mounted a dry goods box in the main street of the town and delivered the following characteristic speech:

GENTLEMEN—It is said there are twenty-five hundred Missourians down at Franklin, and that they will be here in two hours. You can see for yourselves the smoke they are making by setting fire to the houses in that town. This is probably the last opportunity you will have of seeing a fight, so that you had better do your best. If they should come up and attack us, don't yell and make a great noise, but remain perfectly silent and still. Wait until they get within twenty-five yards of you, get a good object, be sure you see the hind sight of your gun,

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[31]These chains are now in the museum of the Ohio State Archæological and Historical Society.

then fire. A great deal of powder and lead and very precious time is wasted by shooting too high. You had better aim at their legs than at their heads. In either case, be sure of the hind sight of your gun. It is for this reason that I myself have so many times escaped, for, if all the bullets which have ever been aimed at me had hit me I would have been as full of holes as a riddle.[32]

The invaders, however, did not attack the town. Governor Geary gave the Missourians to understand that they must quit the territory or face the United States troops. They reluctantly concluded to retire. This ended the invasions by the Border Ruffians. As they withdrew they realized, as the whole country was coming to realize, that the effort to make Kansas a slave state had ended in failure. The tide of immigration was steadily adding strength to the Free State party and its ultimate complete triumph could not long be delayed.

With the restoration of peace and the liberation of his son, John Brown decided to leave Kansas. He no longer had any incentive to stay. One of his sons had lost his life. Another had been severely wounded. Another had been driven into temporary insanity and imprisoned. Their homes had been burned. There was little to hold them in Kansas. John Brown, though he kept his own counsel, was thinking of operations in another field—he was planning "to carry the war into Africa." If the freedom of Kansas was assured, as he was still disposed to doubt, that would be very good so far as it went, but he was dreaming of nothing less than liberating the bondmen in all slave states of the Union. He would still keep a very watchful eye on Kansas, and if occasion seemed to demand it, would again appear in the territory where his name was known to every inhabitant and was still an asset to the militant element of the Free State party.

On October 10, 1856, he and his four sons had reached Tabor, Iowa, a frontier town settled chiefly by immigrants from Oberlin, Ohio. Here he found the people kindly disposed and sympathetic with his views. The anti-slavery sentiment was strong and they had followed with absorbing interest the news from Kansas. Here Brown and his men rested for a time, but he could not long remain inactive. Later in the month he went to Chicago with his sons, Jason and John. Here he met Horace White, afterward editor of the Chicago Tribune and the New York Evening Post and now assistant secretary of the National Kansas Committee. Brown at the request of friends in the East assisted in forwarding arms to Tabor to be used in Kansas if occasion should require. Two hundred rifles in this shipment afterward went for use to Harper's Ferry.

From Chicago Brown proceeded to Ohio. It was probably on the occasion of this visit to the state that his half-sister, Mrs. S. C. Davis of Grafton, Ohio, said to him:

"John, isn't dreadful that Fremont should have been defeated and such a man as Buchanan put into office?"

"Well, truly," answered Brown, "as I look at it now, I see that it was the right thing. If Fremont had been elected, the people would have settled down and made no further effort. Now they know they must work if they want to save a free state."[33]

He proceeded East, meeting Gerrit Smith, Frank B. Sanborn, Dr. Samuel G. Howe, Thomas Wentworth Higginson, Theodore Parker, George L. Stearns, Wendell Phillips, Henry D. Thoreau, Ralph Waldo Emerson and other prominent anti-slavery men. These all became his stanch friends and enthusiastic supporters. Among the recommendations that Brown carried with him was one from Governor Salmon P. Chase of Ohio.[34]

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[32]Redpath, "John Brown," pp. 163-164.

[33]Villard, "John Brown," p. 270 (note).

[34]Governor Chase's recommendation bore date of December 20, 1856. He gave Brown $25 at that time.

On the 18th of February he appeared before the joint committee on federal relations of the Massachusetts legislature and delivered an address recounting his experiences in Kansas. On this occasion he held up before the committee the chains by which his son John had been bound. His stirring appeal brought applause but no financial support.

After visiting many persons in the East in an effort to raise money for his anti-slavery warfare, he came to Cleveland May 22, to Akron the day following and spent several days in his old home town of Hudson. On June 24 he attended the semi-centennial of the founding of Talmadge, Ohio. A message was here handed to the chairman of the meeting, stating that John Brown was present and "would like to speak about Kansas." This privilege the chairman refused on the ground that it would be "entirely inconsistent with the occasion." By August 7 he had returned to Tabor, Iowa.

In the meantime, Kansas, under the administration of Governor Geary, had been peaceful. His evenhanded justice, however, did not suit President Buchanan or the South. They wished to have more favor shown their friends within the Territory. The governor received so little assistance from Washington that he felt constrained to resign in March. He was succeeded by Robert J. Walker of Mississippi, former United States Senator from that state and Secretary of the Treasury. The South felt that now they had one of their own men in office and could have matters in Kansas administered to their liking. In this they were disappointed.

Governor Walker began by promising both parties absolutely fair treatment and a fair election. They accepted this assurance and went to the polls together. The Free State party won a big victory, electing their delegate to Congress by a majority of 4089 and choosing thirty-three members of the Legislature to nineteen for the Pro-Slavery party. The result was anything but pleasing to the Washington administration.

As soon as it became apparent that Walker was pursuing a policy similar to that of Geary, he incurred the hostility of the Pro-Slavery party. Buchanan, who had appointed him six months before, accepted his resignation. It is significant that Governors Reeder, Geary and Walker, all democrats and appointed as men of Pro-Slavery views, when on the ground where they could judge the situation from first hand knowledge, so far swayed to the favor of the Free State party that they were given to understand that their resignations would be acceptable.

Brown returned to Kansas in 1857 and recruited a few men for the warfare against slavery. On November 17, he started with his men for Tabor and from this village he soon set out for Springdale, Iowa, a Quaker community thoroughly in sympathy with his anti-slavery views, but opposed to warfare and the use of "carnal weapons" to liberate the bondmen. The trip overlands was performed through the storms and drifting snows of winter. The little band included Luke F. Parsons, Richard Raelf, John E. Cook, William H. Leeman, Charles P. Tidd, and John Henri Kagi. To these followers he declared, "God has created me to be the deliverer of slaves as Moses delivered the children of Israel."

"They found nothing in this statement," declares Villard, to make them doubt his sanity, or that seemed inherently impossible. A fanatic they recognized him to be; but fanatics have at all times drawn satellites to them, even when the alliance meant certain death."

On the dreary journey they trudged over the snow, from December 4, arriving in Springdale shortly after Christmas. They whiled away the evenings in debating various questions and singing, in which John Brown heartily joined. "The Slave Has Seen the Northern Star" and "From Greenland's Icy Mountains" were among his favorites.

Their journey at last ended, they found a very hospitable reception in Springdale. Located here in comparative comfort, they spent the remainder of the long winter very pleasantly. They kept up and con-

ducted with decorum their debates. A mock legislature was organized,[35] bills were introduced, discussed and enacted into laws. Cook, Kagi and Raelf were men of much more than ordinary ability and developed into speakers of power and eloquence. At Springdale Brown added two Quaker youths, of Ohio birth, to his company—Edwin and Barclay Coppoc.

Leaving his men in Springdale, John Brown proceeded to the East, stopping to visit his son John at Lindenville, Ohio. It was on this trip, at the home of Gerrit Smith in Peterboro, New York, that Brown divulged his remarkable plan for a constitution to govern the territory captured from the slave power. Chimerical as this seemed, his friends in the East, after full explanations from him, approved the general plan. As Brown had by-laws for the government of his men in Kansas, he felt that he must have an ambitious constitution for the larger project that was now absorbing his thought. After visiting Canada he returned to Springdale and with his men went to Chatham, Canada, where a convention of colored freedmen and his followers from Springdale united to form the constitution. The details of the proceedings and the full text of this document are elsewhere available to interested readers. The preamble only is here reproduced:

"Whereas, Slavery, throughout its entire existence in the United States is none other than a most barbarous, unprovoked, and unjustifiable War of one portion of its citizens upon another portion; the only conditions of which are perpetual imprisonment, and hopeless servitude or absolute extermination; in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence:

"Therefore, we, citizens of the United States, and the oppressed people who by a recent decision of the Supreme Court are declared to have no rights which the white man is bound to respect, together with all other people degraded by the laws thereof, do, for the time being, ordain and establish for ourselves the following Provisional Constitution and Ordinances, the better to protect our persons, property, lives and liberties, and to govern our actions."[36]

Whatever may be the opinion of this constitution as a whole, it must be admitted that the preamble sets forth pretty clearly Brown's view of slavery and the Dred Scott decision. The former he considered "most barbarous, unprovoked and unjustifiable war." The latter stripped one portion of our population of all rights and reduced them to a condition of "perpetual imprisonment and hopeless servitude." Against both he and his followers took up the gage of battle.

John Brown was fast maturing plans for "carrying the war into Africa," for making a descent upon the institution of slavery in Virginia. These plans, however, for a time were frustrated by Hugh Forbes, a soldier of fortune who had served under Garibaldi, the liberator of Italy, and now attached himself to the payroll of Brown and his financial supporters. He at first entered with enthusiasm upon the service, with dreams of becoming the Garibaldi of the colored race in America. When the term of his employment ended and no additional funds for his pay were in sight, he made all sorts of trouble for Brown. Whenever he could get an influential hearing he revealed the arrangements for the intended attack. This caused a temporary abandonment of plans and the return of Brown to Kansas for his spectacular invasion of Missouri.

In the latter part of June, 1858, John Brown reentered Kansas. He returned in the disguise of a patriarchal beard, almost white, which he wore for the remainder of his days, and under the assumed name of Shubel Morgan. From Lawrence he proceeded to southeastern Kansas where there had been considerable excitement as the result of the brutal killing of five inoffensive Free State settlers who had been captured by

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[35]In the schoolhouse.
[36]Redpath, "John Brown," p. 234.

the Pro-Slavery leader, Charles A. Hamilton, afterward a Confederate colonel, who "had boasted that if Pro-Slavery men could not make headway in the territory, abolitionists should not live there."

In the vicinity of Fort Scott, Brown and his men remained for a time and kept in close touch with James Montgomery, a militant Free State leader, who afterward rose to the rank of colonel in the Union army. It was while Brown, or "Shubel Morgan," was here that he wrote to his son John in Ohio of an Anti-Slavery lecture that he gave a Pro-Slavery settler who came to his camp. It was here also that he began a sketch of his life, "as connected with Kansas; by one who knows." It was never finished.

In the latter part of this summer with some of his followers he made a short trip over the line into Missouri, taking with him his surveying instruments to avoid suspicion. When they came within sight of the house of Rev. Martin White, who had killed his son Frederick, he was asked to look through a field glass at a man sitting in a distant yard under a shade tree. "I declare, that is Martin White," said Brown. At the suggestion that they go and talk to the old man he said, "No, no, I can't do that." When others proposed to go, he said, "Go if you wish, but don't you hurt a hair of his head."[37] In speaking of White, he is reported to have said to James Hanway:

"People mistake my objects. I would not hurt one hair of his head. I would not go an inch to take his life; I do not harbor the feeling of revenge. I act from principle. My aim and object is to restore human rights."[38]

In December occurred his famous "foray" into Missouri. The historian, William E. Connelley, thus summarizes it:

"On Sunday, December 19, 1858, a negro man came from Missouri to Brown's camp and begged that his wife and family be resuced from slavery before they were sold to be carried South. The following Monday night Brown, with a number of men from his company, made a foray into Missouri, and secured these slaves, eleven in number, and carried them into Kansas. They were carried to the Pottawatomie and kept in a cabin on the open prairie for more than a month, while every ravine and thicket swarmed with people searching for them. No one thought of their being concealed in the deserted old cabin in plain view of a number of houses, and they escaped without detection."

This raid created much commotion in Kansas and Missouri. The governor of the latter offered a reward of $3000 for the capture of Brown, to which President Buchanan added $250. To show his contempt for their efforts, Brown, according to Connelley, "immediately had printed a small handbill in which he publicly proclaimed that he thereby offered a reward for Buchanan, declaring that if any lover of his country would deliver that august personage to him, well tied, at Trading Post, he would willingly pay such patriot the sum of two dollars and fifty cents. It is said that reflection upon the matter afterwards convinced him that this sum was more than the President was actually worth for any purpose."

The eleven slaves were now free and temporarily concealed in Kansas, but the enterprise that John Brown had on his hands was about as unpromising and visionary as any that he had ever conceived. These slaves were to be provisioned and conveyed through the dead of winter over one thousand miles to freedom under the British flag. He started with a plodding ox team almost alone, poorly clothed and confronted at every town on the way with premium notices posted for his arrest. Many dangers confronted him and the difficulties to be overcome seemed almost insurmountable; but the stern old Puritan did not falter. Over frozen roads and through blinding blizzards the wagons moved slowly toward the goal of freedom.

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[37] Villard, "John Brown," p. 357.
[38] Ibid, p. 358.

Samuel Medary,[39] from Ohio, had been appointed governor of Kansas by President Buchanan and was now striving to arrest Brown as he moved northward with his liberated slaves. The sudden rising of a stream halted Brown and his charges and Medary gleefully notified Buchanan that the capture of Brown was assured. On January 31, 1859, the men sent to make the arrest were suddenly fired upon by Brown and some reinforcements sent to his aid from Topeka. At the first volley the posse sent by Medary were panic stricken and fled in confusion to escape "the old terror," some leaping on behind their mounted comrades and others clinging to the horses' tails in their wild scramble to get away. Brown captured three of the men sent to arrest him, four horses and abandoned arms, while Medary and Buchanan were left empty-handed. Col. Richard J. Hinton facetiously called this final fight of John Brown's on Kansas soil the "Battle of the Spurs," and it has ever since been so known in the history of that Territory.

Brown proceeded on his journey by way of Nebraska City, Tabor, Aurora, Des Moines, Grinnell, Iowa City and Springdale to West Liberty, where he boarded a train with his colored cargo for Chicago. Then they proceeded to Detroit and crossed to Windsor, Canada, where the slaves were finally delivered from the land of bondage. They had come in eighty-two days a distance of 1100 miles, 600 of which had been covered in wagons through the rigors of a northwestern midwinter.

From Canada Brown went to Cleveland, Ohio, where he sold the horses that he had captured at the "Battle of the Spurs." In offering them for sale he explained that "the title might be a little defective" but that they were "abolition horses." Asked how he knew this, he answered that he was certain of it because he had "converted" them. They brought a good price, however, as there were purchasers in Cleveland who were eager to get Buchanan horses from Kansas that had been "converted" by John Brown.

Arrangements had been made in Cleveland for a lecture in Chapin's Hall. This was well advertised in an announcement published in the Cleveland Leader of March 18, 1859. The meeting was to be held on the evening of that day. A violent storm prevented the attendance of many people and the lecture was postponed to March 21. The Leader again published a liberal and attractive notice. The meeting, however, was poorly attended. Representatives from the Leader and the Plain Dealer published rather full accounts of it Artemus Ward reported this meeting for the Plain Dealer. The following characteristic excerpt is quoted from the account of "Ward" who had not at that time achieved great fame as a humorist but who was earning $12 a week as a reporter:

He is a medium-sized, compactly-built and wiry man, and as quick as a cat in his movements. His hair is of a salt and pepper hue and as stiff as bristles; he has a long, waving, milkwhite goatee, which gives him a somewhat patriarchal appearance; his eyes are gray and sharp. A man of pluck is Brown. You may bet on that. He shows it in his walk, talk, and actions. He must be rising sixty, and yet we believe he could lick a yard full of wild cats before breakfast and without taking off his coat. Turn him into a ring with nine Border Ruffians, four bears, six Injuns and a brace of bull pups, and we opine that "the eagles of victory would perch on his banner." We don't mean by this that he looks like a professional bruiser, who hits from the shoulder, but he looks like a man of iron and one that few men whould like to "sail into."

The report of the Leader is devoted about equally to the addresses of Kagi and Brown. It is complimentary, and somewhat extended. The following is a brief excerpt:

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[39]Samuel Medary was born in Pennsylvania, February 25, 1801, and moved to Clermont County, Ohio, in 1825. He served in both branches of the Legislature of Ohio, and by appointment was governor of the Territory of Minnesota and the Territory of Kansas. He was editor of the Ohio Statesman and the Crisis, both published in Columbus.

Mr. Brown remarked that he was an outlaw, the governor of Missouri having offered a reward of $3000 for him and the President $250 more for him. He should never submit to an arrest, as he had nothing to gain from submission, but he should settle all questions on the spot if an attempt was made to take him. The liberation of those slaves was meant as a direct blow to slavery and he laid down his platform that he considered it his duty to break the fetters from any slave when he had the opportunity. He was a thoroughgoing abolitionist. He stated many incidents in Kansas affairs and conveyed much information on territorial affairs.

Mr. Brown is a man apparently sixty years old, and full of nerve and boldness. His narrative was highly interesting and instructive.

While the people of Cleveland did not flock out to hear Brown neither did his most rabid opponents in that city make any effort to have him arrested. He and Kagi here saw posted up in numerous places the offer of the rewards by the governor of Missouri and President Buchanan for the arrest and detention of Brown. The opportunity to earn this reward, however, was not sufficiently tempting to lead any patriot to make the attempt. The fact was well understood that any effort in this direction would arouse the people of Cleveland in the defense of Brown.

At West Andover, Ashtabula County, while visiting at the home of his son, Brown received from Joshua R. Giddings, the eminent opponent of the slave power and congressman from the Western Reserve, an invitation to speak in the Congregational Church at Jefferson, the county seat. On Sunday, May 27, Brown was present in answer to this invitation and spoke after the church exercises.

After the raid at Harper's Ferry Giddings was accussed of complicity in that affair and much was made of his previous entertainment of Brown at Jefferson. In a speech delivered in Philadelphia October 28, 1859, Giddings stated his own attitude on the question of slavery as follows:

While serving in Congress, Mr. Haskell, a slaveholder, inquired of me publicly whether I believed it morally right for slaves to leave their masters. I felt bound to speak frankly. I answered that I not only believed they could do so, but that it was morally wrong and wicked for them to remain in slavery an hour when they had the power to escape, even by slaying those who opposed their freedom; that were I a slave I would escape, if in my power, though compelled to walk upon the dead bodies of slaveholders from Mississippi to Malden.

Proceeding to the charge of association with Brown he said:

I am of opinion that he came to Jefferson on Saturday afternoon, and that so far as I am informed, his object was to make arrangements for the lecture.

On Sabbath, after the regular services, he spoke in our church. The ministers of the church and of other churches, I think, attended the lecture. Ladies and gentlemen were present. Republicans and democrats all listened to his story with attention. It is impossible for me at this time to give an abstract of the lecture. If anyone desires knowledge on this point, I would refer him to the Hon. Jonathan Warner, a democratic leader of that county. He was present and one or two of his sons, and being very pro-slavery, he would be more likely to recollect particulars than myself. He spoke of the Kansas troubles, of his expedition into Missouri and bringing off some twelve or twenty slaves, and he urged it as a solemn Christian duty to assist slaves to obtain their freedom. He gave us clearly to understand that he held to the doctrines of the Christian religion as they were enunciated by the Savior. I am not aware that he spoke of going into slaves states to aid slaves in escaping from bondage, but I had the impression that he would do so if opportunity should present. I think, however, that I inferred this from the fact that he had done it in Missouri, rather than from what he said. After he closed I addressed a few words to the audience in favor of a contribu-

tion, referring to his condition, to the death of his son and the fact that in his situation he had no business which he could follow for his support. I believe that every democrat as well as republican present gave something.

After the close of the meeting I cordially invited him to take tea at my home. While there at the fireside, I inquired as to the particulars of his Missouri expedition. Mrs. Giddings also put questions. I fully expressed my own opinions as to the crime of slavery, the right of the slave to his liberty at all times and under all circumstances.

Brown was in Kingsville, Ohio, April 7. He left for Peterboro, New York, on the 10th of that month. While he confided his plans only to trusted friends, he was now bending all his energies to preparation for the invasion of Virginia. He was busily engaged raising money and collecting arms and men for that enterprise. On May 7 he was with his ardent young friend, F. B. Sanborn, in historic Concord, Massachusetts, where he spoke in the town hall on the day following. He then went to Boston, where he spent about three weeks visiting friends and supporters in that city. The week ending June 16 he spent with his family in their home at North Elba, New York. This was his last visit. On June 18 he was again with his son John at West Andover, Ohio. This entry in his journal of that date is of interest:

Borrowed John's old compass and left my own, together with Gurley's book, with him at West Andover; also borrowed his small Jacob staff; also gave him for expenses $15.00. Write him under cover to Horace Lindsley, West Andover.[40]

From Akron, June 23, he wrote to his wife and family. This seems to have been the last letter addressed to them from this state. He wrote in part:

We start for the Ohio River today. Write me under cover to John at West Andover, for the present. The frost has been far more destructive in Western New York and in Ohio than it was in Essex County. Farmers here are mowing the finest looking wheat I ever saw, for fodder only. Jason has been quite a sufferer. May God abundantly bless and keep you all.

The reference in the above, of course, is to the great frost in June of that year which is still recalled by those living at that time. While in Ohio, Brown visited for the last time Hudson, his old home town. On this trip he was also in Cherry Valley, Ohio. On June 23 he went to Pennsylvania, proceeding by easy stages from Pittsburg, by way of Bedford Springs, to Chambersburg. On July 3 he reached Harper's Ferry, the end of his restless wanderings, the goal of all his striving. Returning to Chambersburg, he spent some time with Frederick Douglas, the colored orator, who opposed the plan as soon as he learned that it contemplated an attack on the United States arsenal at the Ferry. He felt that the anti-slavery cause would be injured by the contemplated attack on the federal government.

Arms and men were gradually assembled at the Kennedy farm not far from Harper's Ferry for the proposed attack. The purpose of the movement was carefully concealed and the people of Harper's Ferry and the adjacent country were led to believe that these strangers were making a geological inspection of the surrounding mountains in search of mineral wealth. Brown himself, however, stated in conversation with farmers in this region that he was looking for a home to which he might move his family. He spoke of the destructive frost of that summer and said that he believed he would be better satisfied with a farm in Virginia. It is remarkable that his secret should have been kept so well by the assembling company for more than three months. In that time John Brown and his men became thoroughly acquainted with the gov-

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[40]This compass is now in the museum of the Ohio State Archæological and Historical Society.

ernment works at Harper's Ferry and the lay of the country surrounding the town.

The government at Washington knew nothing of the threatened raid, and yet there was in the office of the secretary of war a letter bearing date of August 20, 1859, and warning the government of the contemplated attack. It gave in considerable detail Brown's plan, but was unsigned. The secretary of war paid little attention to it and the warning was unheeded. After the raid Richard Raelf and Charles W. Moffet, two of John Brown's men who failed to come to Harper's Ferry, were suspected of having written this letter. Redpath in his "Life of John Brown" violently assails Raelf for this betrayal of the cause. In this conclusion he was wholly mistaken as he afterward acknowledged. It was not until long years afterward that David J. Gue, of Iowa, became publicly known as the real author. He with other Quaker friends resorted to this means to prevent the clash of arms at Harper's Ferry—to save John Brown and his men from the fate that would certainly overtake them. The anonymous letter was sent to the postmaster at Cincinnati to be remailed there. From that city it went to the secretary of war.

The men of John Brown's company gradually assembled at the famous Kennedy house about six miles from Harper's Ferry. In order to avoid suspicion and make life here more homelike, Anne, the daughter of John Brown, and Martha, the wife of Oliver, came from North Elba to administer household affairs at the farm. John E. Cook had preceded the others to Harper's Ferry and for some time had been living with his young wife in that town. Following is the list of men who were finally marshalled and armed for the capture of the Ferry: John Brown, Watson Brown, Oliver Brown, Owen Brown, William Thompson, Dauphin Thompson, John Henri Kagi, Aaron Dwight Stevens, John E. Cook, Charles Plummer Tidd, William H. Leeman, Edwin Coppoc, Barclay Coppoc, Albert Hazlett, Jeremiah G. Anderson, Francis Jackson Merriam, Steward Taylor, Shields Green, Dangerfield Newby, John A. Copeland, Jr., Lewis Sherrard Leary and Osborn P. Anderson.

Kagi, the Coppoc brothers and John Brown's three sons, Watson, Oliver and Owen, were all born in Ohio. Leary and Copeland enlisted from Oberlin, Ohio, and John Brown himself had grown up to manhood in this state.

Green, Newby, Copeland, Leary and Osborn P. Anderson were colored.

Thomas Jefferson, in his "Notes on the State of Virginia," written in 1787, has described, as viewed from Jefferson Rock, the natural scenery of the country where the Shenandoah and the Potomac meet off the peninsula on which Harper's Ferry stands:

You stand on a very high point of land; on your right comes up the Shenandoah, having ranged along the root of the mountain a hundred miles to find a vent; on your left approaches the Potomac, in quest of a passage also. In the moment of their junction they rush together against the mountain, rend it asunder, and pass off to the sea. The scene is worth a voyage across the Atlantic; * * * these monuments of a war between rivers and mountains which must have shaken the earth itself to its centre.

It is a coincidence that at this spot should fall the bolt that shook a nation.

Sunday evening, October 16, 1859, was cloudy, damp and dark. In spite of the threatening weather, the attendance in the churches of the village was large. There had been a religious revival in this mountain region and the people came in crowds to hear the message of peace. The services over, they started for their homes. On their way some of them were made prisoners and securely held in the enclosure at the old engine house, through the remainder of that gloomy and mysterious

night. The dawning of the next day found Harper's Ferry, the armory, the arsenal and the rifle works in the hands of an unknown foe.

The story of this historic raid that startled the nation and terrified Virginia has been told in varied detail often and well. A part only of the interesting features are sketched here. Soon after the town and the government works were in the hands of Brown and his party, prominent citizens, most of them slaveholders, were brought from the surrounding country and placed under guard.

Among these prisoners was Col. Lewis Washington, great-grand-nephew of George Washington. With him were brought some of his prized personal possessions, including two interesting historic relics—a pistol presented to President Washington by Lafayette and a sword said to have been given him by Frederick the Great. This sword John Brown carried until the end of the raid. He had sent for these, in order that he might inaugurate his war against slavery with weapons that were once the precious possession of the chieftain who led another revolution to a triumphant conclusion.

After the capture of the arsenal and other government buildings, the eastbound train on the Baltimore and Ohio Railroad arrived in the early morning of October 17, between the hours of 1 and 2 o'clock. It was halted before it crossed the bridge, but at dawn of day was permitted to move onward, scattering the news as it proceeded to Washington. A citizen rode to Charlestown, eight miles distant, and spread the alarm. Many persons believed that this was the first act in a general servile insurrection—the secret dread of the slave states—with all the horrors of the uprising of the blacks in San Domingo.

Soon the militia of Virginia was assembling to move on Harper's Ferry and later in the day United States troops, under command of Lieut.-Col. Robert E. Lee, were on their way to suppress the insurrection.

The first person killed on Monday morning was a negro named Hayward, who had refused to halt at the command of a raider. Throughout the day the fight was kept up between the raiders, the militia and the citizens of the town.

The result of the first day's fighting had reduced Brown's effective followers to four men—Dauphin Thompson, Jeremiah G. Anderson, Edwin Coppoc and Shields Green. John Henri Kagi, William H. Leeman, Stewart Taylor, William Thompson, Lewis S. Leary, Dangerfield Newby and Oliver Brown had been killed. Watson Brown was mortally and Aaron Stevens severely wounded. The others of Brown's party were prisoners or had escaped.

The following Virginians had been killed: Shephard Hayward (colored), Fontaine Beckham, mayor of Harper's Ferry, Thomas Boerly, and Capt. George W. Turner. The surviving raiders who remained on the scene of action had retreated to the engine house. Flushed with success, "the militia reformed and started to assault the engine house. They never reached it. When they were within sixty yards of it, the besieged opened with a destructive volley of bullets. Two of the attacking party fell dead and a half dozen were wounded. The column wavered, reeled and then fled up the armory yard."

This was the status of affairs at the close of Monday, October 17. That night Lieut.-Col. Robert E. Lee and Lieut. J. E. B. Stewart arrived from Washington with a company of marines.

John Brown, with four effective men, a dead son, a son dying and eight prisoners as hostages, grimly held the engine house and refused to surrender unconditionally. It became apparent to Lee that he and the remnant of his band must be taken by force. He first offered to the militia the honor of storming the engine house, but this was declined. The marines were then commanded to undertake it. Twenty-five picked men stood ready for the assault. One of the number, armed with a sledge, attempted to batter down the door, but failed.

Maj. W. W. Russell then asked the marines to lay aside their arms and "pointed to a flagstaff against which rested a forty-foot ladder." The marines ranged themselves on both sides of this and, using it as a battering ram, assaulted the ponderous door. At the second stroke the door partially gave way; two shots rang out from the engine house and two of the marines fell, one of them mortally wounded. A third stroke of the ladder broke an opening through the door. Major Russell entered and demanded a surrender. The raiders complied and dropped their guns. Lieutenant Green struck Brown on the head with his sword.[41] A second blow felled him to the floor. A marine following Green bayoneted the prostrate and unconscious leader with a thrust through the shoulder and another near the kidneys that pinned him to the floor. In the meantime Dauphin Thompson and Jeremiah G. Anderson were killed. Brown was apparently dead and the fight was ended.[42]

The details of the losing act of the raid are variously related by writers and witnesses who were present. It is stated that Green's sword was a light, dress affair, not intended for mortal execution, but no one has claimed that the bayonet thrust through the body was a toy weapon.

The prisoners held as hostages by Brown were liberated from their nerve racking position and welcomed by the crowd with great acclaim; the dead and wounded raiders were brought out and laid on the grass amid the howls of the enraged Virginians. Brown gradually revived and was taken to the paymaster's office. A newspaper correspondent, who was an eye witness, thus described what followed:

"Major Russell ordered the wounded man to be carried into the rear room of the paymaster's office, to protect him from the infuriated mob. He was laid on the floor with a carriage cushion under his head. When he regained consciousness he recognized Major Russell, who was standing at his side, and said:

" 'Young man, as you entered the engine house I had you covered with my rifle and could have killed you, but your frank face and your true courage caused me to pause, and I spared your life.' The major threw his hand to his cap as he replied:

" 'I am deeply thankful to you for it.'

"The raider then said:

" 'For what I have done I am willing to answer before any proper tribunal, but I do not want to be torn to pieces by a mob.'

" 'Neither shall you be, so long as I have a soldier to defend you,' replied Major Russell.

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[41]Lieutenant Israel Green was born in Vermont. He entered the United States Army as lieutenant of marines in 1847 and served as such until the beginning of the Civil war. Though born in a New England state, his sympathies were with the South. He resigned his position in the army and entered the service of the Confederacy as major of marines in March, 1861, a position which he held till the close of the war. In the December, 1885, number of the North American Review was published a description of his capture of John Brown. In this it seems to be his purpose to defend himself and his men against a charge of unsoldierly conduct on that occasion. He declares that Brown and his men continued the fight after he and his marines entered the engine room; that then were fired the shots that killed one marine and wounded the other. This statement is highly improbable. Not only is it at variance with the testimony of other eye witnesses, but it does not accord with the sketches drawn by artists on the ground. The pictures invariably show the two marines falling before any soldier or officer entered the engine house. There seems little doubt that John Brown was bayoneted and two of his men were slain after they had surrendered. The action of the marines was perhaps unsoldierly but it was perfectly natural. One of their number had just been slain and they were wrought to a high pitch of fury. Earlier in the fight citizens and the militia had vented their wrath by riddling with bullets the dead bodies of Brown's men who had fallen. Green died in South Dakota, May 26, 1909, in the eighty-fourth year of his age.—Villard.

[42]S. K. Donovan, "John Brown at Harper's Ferry and Charlestown," in Ohio Archæological and Historical Publications, Vol. XXX, pp. 319-321.

"At this point I stooped down at his side and said, 'Who are you, and what are you doing here?'

" 'I am John Brown; better known to the public as 'Old Brown of Kansas'—Osawatomie Brown. I came here to free slaves and for no other purpose.' "[43]

Among eminent men who came to see John Brown as he lay on the floor of the paymaster's office, were Henry A. Wise, governor of Virginia; J. M. Mason, United States Senator from that state, and author of the Fugitive Slave Law, and Clement L. Vallandigham, congressman from Ohio.

At the time of the John Brown raid there were two representatives in Congress from Ohio of diametrically opposite views on political issues and the burning question of the hour. The attitude of Joshua R. Giddings on the slavery question has already been briefly set forth. The representative from the Dayton district, Clement L. Vallandigham, by ancestry and training was a strict constructionist and in political sympathy with the South. Like Giddings he was a man of high moral and religious character, but, unlike Giddings, in the heated political controversies of the times he made no appeals to the "law higher than the constitution."

Vallandigham appeared early on the scene at Harper's Ferry after the capture of John Brown and his surviving men in the engine house. In company with Senator Mason he asked the old man while he lay bleeding on the floor a number of questions. The correspondent of the New York Herald made a record of these questions and answers. This record has been preserved in Redpath's "Life of Captain John Brown" and a number of other biographies that have since been published. A few of these questions and answers are here reproduced:

Mr. Vallandigham—"Have you ever been in Portage County?"

Brown—"I was there in June last."

Mr. V.—"When in Cleveland, did you attend the Fugitive Slave Law Convention?"

Brown—"No; I was there about the time of the sitting of the court to try the Oberlin rescuers. I spoke there publicly on that subject; I spoke on the Fugitive Slave Law, and my own rescue, of course. So far as I had any reference at all, I was disposed to justify the Oberlin people for rescuing a slave, because I have myself forcibly taken slaves from bondage. I was concerned in taking eleven slaves from Missouri to Canada last winter. I think I spoke in Cleveland before the convention; do not know that I had any conversation with any of the Oberlin rescuers. Was sick part of the time I was in Ohio; had the ague. Was part of the time in Ashtabula County."

Mr. V.—"Did you see anything of Joshua R. Giddings there?"

Brown—"I did meet him."

Mr. V.—"Did you consult with him?"

Brown—"If I did I would not tell you, of course, anything that would implicate Mr. Giddings, but I certainly saw him and had a conversation with him."

Mr. V.—"I don't mean about this affair of yours, I mean about that rescue case."

Brown—"Oh, yes, I did hear him express his opinion on it very freely and frankly."

Mr. V.—"Justifying it?"

Brown—"Yes, Sir; I do not compromise him by saying that."

Vallandigham was severely criticised in a number of papers of the North for asking these and other questions of Brown in his wounded condition. The impression at the time was that he had gone to Harper's Ferry with the express purpose of questioning Brown and leading him

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[43]Donovan, "John Brown," in Ohio Archæological and Historical Society Publications, Vol. XXX, pp. 320-321.

to implicate some of his northern friends, especially Joshua R. Giddings. It appears, however, that Vallandigham had started from Washington to his home in Ohio before he heard of the raid. The first news of it he got when he reached Baltimore. He was delayed there for some time and arrived in Harper's Ferry on the morning of the 19th of October. Here he met Senator Mason of Virginia, the author of the Fugitive Slave Law, who had been called to the Ferry by the insurrection. In company with Mason and a few others Vallandigham was permitted to see the prisoners. John Brown and Stevens were severely wounded and covered with blood. Brown, however, did not object to talking with newspaper correspondents and answered very freely most of the questions that were asked by Vallandigham and Mason.

In answer to criticisms through the press Vallandigham, on October 22, 1859, addressed a letter to the Cincinnati Enquirer explaining his presence at Harper's Ferry and stating the purpose of his questions. Incidentally he gave his opinion of John Brown and the insurrection he had planned. His letter in part reads as follows:

No "interview" was asked for by me or any one else of John Brown, and none granted, whether "voluntarily and out of pure good-will," or otherwise. Brown had no voice in the matter, the room being open equally to all who were permitted to enter the Armory enclosure. All went and came alike without consulting Brown, nor did he know either myself or the other gentlemen with whom he conversed. Entering the room, I found Senator Mason, of Virginia, there casually, together with eight or ten others, and Brown conversing freely with all who chose to address him. Indeed he seemed eager to talk to every one; and new visitors were coming and going every moment. There was no arrangement to have any reporter; nor did I observe for some minutes after I entered that any were present. Some one from New York was taking sketches of Brown and Stevens during the conversation, and the reporter of the Herald made himself known to me a short time afterward; but I saw nothing of the Gazette reporter till several hours later, and then at the hotel in the village.

Finding Brown anxious to talk and ready to answer any one who chose to ask a question, and having heard that the insurrection had been planned at the Ohio State Fair held at Zanesville in September, I very naturally made the inquiry of him, among other things, as to the truth of the statement. Learning from his answers that he had lived in Ohio for fifty years, and had visited the state in May or June last, I prosecuted my inquiries to ascertain what connection his conspiracy might have had with the "Oberlin Rescue" trials then pending, and the insurrectionary movement at that time made in the Western Reserve to organize forcible resistance to the Fugitive Slave Law; and I have only to regret that I did not pursue the matter further, asking more questions and making them more specific. It is possible that some others who are so tenderly sensitive in regard to what was developed might have been equally implicated. Indeed, it is incredible that a mere casual conversation, such as the one held by me with John Brown, should excite such paroxysms of rage and call forth so much vulgar but impotent vituperation, unless there be much more yet undisclosed. Certain it is that three of the negroes, and they from Oberlin, and at least six of the white men, nine in all out of the nineteen, including John Brown, the leader of the insurrection, were, or had been, from Ohio, where they had received sympathy and counsel, if not material aid in their conspiracy.

But the visit and interrogation were both casual, and did not continue over twenty minutes at the longest. Brown, so far from being exhausted, volunteered several speeches to the reporter, and more than once insisted that the conversations did not disturb or annoy him in the least. The report in the New York Herald, of October 21st, is generally very accurate, though several of the questions attributed to me, and particularly the first four, ought to have been put in the mouth of "By-

stander," who, by the way, represents at least half a score of different persons. As to the charge preferred of "breach of good taste and propriety," and all that, I propose to judge of it for myself, having been present on the occasion. There was neither "interview," "catechising," "inquisition," "pumping," nor any effort of the kind, but a short and casual conversation with the leader of a bold and murderous insurrection, a man of singular intelligence, in full possession of all his faculties, and anxious to explain his plans and motives so far as possible without implicating his confederates otherwise than by declining to answer. The developments are important: let the galled jades wince.

And now allow me to add that it is vain to underrate either the man or his conspiracy. Capt. John Brown is as brave and resolute a man as ever headed an insurrection, and, in a good cause, and with a sufficient force, would have been a consummate partisan commander. He has coolness, daring, persistency, the stoic faith and patience, and a firmness of will and purpose unconquerable. He is tall, wiry, muscular, but with little flesh—with a cold gray eye, gray hair, beard and mustache, compressed lips and sharp aquiline nose, of cast-iron face and frame, and with powers of endurance equal to anything needed to be done or suffered in any cause. Though engaged in a wicked, mad and fanatical enterprise, he is the farthest possible remove from the ordinary ruffian, fanatic or madman; but his powers are rather executory than inventive, and he never had the depth or breadth of mind to originate and contrive himself the plan of insurrection which he undertook to carry out. The conspiracy was, unquestionably, far more extended than yet appears, numbering among the conspirators many more than the handful of followers who assailed Harper's Ferry, and having in the North and West, if not also the South, as its counsellors and abettors, men of intelligence, position and wealth. Certainly it was one among the best-planned and executed conspiracies that ever failed.

Governor Henry A. Wise represented the almost unanimous sentiment of the slaveholding aristocracy of the South, but he exemplified also something of the chivalry for which that section is famous. His treatment of the prisoners at Charlestown was greatly to his credit and the same may be said of the local officials, Sheriff Campbell and the jailer, Captain Avis.

Shortly after the capture of Brown the governor was reported to have said to him, "Mr. Brown, the silver of your hair is reddened by the blood of crime and you should eschew these hard words and think of eternity."

To this Brown replied:

Governor, I have from all appearances not more than fifteen or twenty years the start of you in the journey to that eternity of which you kindly warn me; and whether my time here shall be fifteen months, or fifteen days, or fifteen hours, I am equally prepared to go. There is an eternity behind and an eternity before; and this little speck in the center, however long, is but comparatively a minute. The difference between your tenure and mine is trifling, and I therefore tell you to be prepared. I am prepared. You all have a heavy responsibility, and it behooves you to prepare more than it does me.

In a public speech shortly after the raid Governor Wise gave the following estimate of Brown:

They are mistaken who take Brown to be a madman. He is a bundle of the best nerves I ever saw; cut and thrust and bleeding, and in bonds. He is a man of clear head, of courage, fortitude, and simple ingenuousness. He is cool, collected, and indomitable, and it is but just to him to say that he was humane to his prisoners, as attested to me by Colonel Washington and Mr. Mills, and he inspired me with great trust in his integrity as a man of truth. He is a fanatic, vain and garrulous, but firm, truthful and intelligent.[44]

[44] Redpath, "John Brown," p. 273.

In the same speech the governor described the capture of Col. Lewis Washington and quoted that distinguished Virginian as to Brown's bearing during the storming of the engine house:

When Colonel Washington was taken, his watch and plate and jewels and money were demanded, to create what they call a "safety fund," to compensate the liberators for the trouble and expense of taking away his slaves. This, by a law, was to be done with all slaveholders. Washington, of course, refused to deliver up anything; and it is remarkable that the only thing of material value which they took, besides his slaves, was the sword of Frederick the Great, which was sent to General Washington. This was taken by Stevens to Brown, and the latter commanded his men with that sword in this fight against the peace and safety of Washington's native state. He promised Colonel Washington to return it to him when he was done with it. And Colonel Washington says that he, Brown, was the coolest and firmest man he ever saw in defying danger and death. With one son dead by his side, and another shot through, he felt the pulse of his dying son with one hand and held his rifle with the other, and commanded his men with the utmost composure, encouraging them to be firm and to sell their lives as dearly as they could.[45]

On Wednesday, October 19, John Brown, Stevens, Green and Edwin Coppoc were taken to Charlestown and lodged in jail. Six days later John Brown was put on trial in Charlestown, Virginia (now West Virginia). He was still suffering from his wounds, and during his trial lay most of the time on a cot. The trial ended on November 2, and John Brown was asked whether he had anything to say why sentence should not be pronounced upon him. Although he had not expected to be sentenced so soon, he rose from his cot and in a firm, clear voice, delivered the following remarkable address:

I have, may it please the court, a few words to say.

In the first place, I deny everything but what I have all along admitted: of a design on my part to free slaves. I intended certainly to have made a clean thing of that matter, as I did last winter, when I went into Missouri and there took slaves without the snapping of a gun on either side, moving them through the country, and finally leaving them in Canada. I designed to have done the same thing again on a larger scale. That was all I intended. I never did intend murder, or treason, or the destruction of property, or to excite or incite slaves to rebellion, or to make insurrection.

I have another objection, and that is that it is unjust that I should suffer such a penalty. Had I interfered in the manner which I admit, and which I admit has been fairly proved—for I admire the truthfulness and candor of the greater portion of the witnesses who have testified in this case—had I so interfered in behalf of the rich, the powerful, the intelligent, the so-called great, or in behalf of any of their friends, either father, mother, brother, sister, wife or children, or any of that class, and suffered and sacrificed what I have in this interference, it would have been all right. Every man in this court would have deemed it an act worthy of reward rather than punishment.

This court acknowledges, too, as I suppose, the validity of the law of God. I see a book kissed, which I suppose to be the Bible, or at least the New Testament, which teaches me that all things whatsoever I would that men should do to me, I should do even so to them. It teaches me, further, to remember them that are in bonds as bound with them. I endeavored to act up to that instruction. I say I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done, as I have always freely admitted I have done, in behalf of His despised poor, I did not wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of

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[45]Ibid.

the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments, I say, let it be done.

Let me say one word further. I feel entirely satisfied with the treatment I have received on my trial. Considering all the circumstances, it has been more generous than I expected. But I feel no consciousness of guilt. I have stated from the first what was my intention, and what was not. I never had any design against the liberty of any person, nor any disposition to commit treason or incite slaves to rebel or make any general insurrection. I never encouraged any man to do so, but always discouraged any idea of that kind.

Let me say, also, in regard to the statements made by some of those who were connected with me, I hear it has been stated by some of them that I have induced them to join me. But the contrary is true. I do not say this to injure them, but as regretting their weakness. Not one but joined me of his own accord, and the greater part at their own expense. A number of them I never saw, and never had a word of conversation with, till the day they came to me, and that was for the purpose I have stated.

Now, I have done.

John Brown was sentenced to be hanged December 2, 1859. The interim of one month afforded the opportunity that he so effectively improved to advance the cause for which he forfeited his life in this last desperate enterprise.

Someone has said that if John Brown had been killed at the engine house in Harper's Ferry his epitaph would have been a score of lines in the newspapers to be forgotten in as many days, like the record of a desperado who dies by the law against which he raises a violent hand. He lived six weeks and by his bearing, his conversation and his letters won his great battle and the meed of martyrdom. In those forty-five days this son of Connecticut, this tanner, shepherd and farmer of Ohio, showed how he could fearlessly live for a principle and triumphantly die for it. That principle itself was soon to triumph in the Republic and give John Brown a permanent place in history.

John Brown had reason to express satisfaction with the treatment accorded him on his trial. Under the circumstances it was doubtless more generous than he had expected. Not only on his trial, but during the fighting at Harper's Ferry there were among those who captured him and the remnant of his band generous and soldierly foes. Lieut.-Col. Robert E. Lee and Maj. W. W. Russell exhibited the gallantry that we like to associate with the profession of arms. A meed of praise must also be accorded to Governor Henry A. Wise for the chivalrous spirit that he manifested on a number of occasions. The excesses of the frenzied crowd were unfortunate and deplorable, but they were such as might have occurred under similar circumstances in places north of Mason and Dixon's line. The kind and humane consideration of Sheriff Campbell and Jailer Capt. John Avis won unstinted praise from the prisoners and their friends.

While in prison he was given free access to the outside world through correspondence, interviews with newspaper reporters and occasional visits with relatives and friends. While he gratefully acknowledged communications from those interested in his spiritual welfare, he refused the ministrations of the apologists for slavery. The following incident, fully authenticated, illustrates his uncompromising attitude:

Brown was visited yesterday by Rev. James H. March, of the Methodist Episcopal Church. The reverend gentleman having advanced an argument in favor of the institution of slavery as it now exists, Brown replied to him, saying, "My dear sir, you know nothing about Christianity; you will have to learn the A B C's in the lesson of Christianity, as I find you entirely ignorant of the meaning of the word. I, of course,

respect you as a gentleman; but it is a *heathen* gentleman." The reverend gentleman here thought it best to draw such a discussion to a close, and therefore withdrew.[46]

Brief extracts are given illustrative of sentiments expressed by Brown while he was in prison awaiting execution. On November 28, 1859, in a letter to Atty. D. R. Tilden of Cleveland, Ohio, he said:

"I have enjoyed remarkable cheerfulness and composure of mind ever since my confinement; and it is a comfort to feel assured that I am permitted to die for a cause—not merely to pay the debt of nature as all must."[47]

In answer to a letter from T. B. Musgrave he made the following statement in a letter dated November 17:

"Tell your father that I am quite cheerful; that I do not feel myself in the least degraded by my imprisonment, my chains, or the mere prospect of the gallows. Men can not imprison or chain or hang the soul. I go joyfully in behalf of millions that 'have no rights' that this great and glorious, this Christian Republic is bound to respect."[48]

In the course of a long letter to his wife and children November 8, he said:

"I can trust God with both the time and the manner of my death, believing, as I now do, that for me at this time to seal my testimony for God and humanity with my blood will do vastly more toward advancing the cause I have earnestly endeavored to promote than all I have done in my life before."[49]

In an interview with Col. S. K. Donovan shortly before his execution he was asked what he thought would be the final effect of his acts at the Ferry and the atonement which he was to make for them. He said in reply that he did not possess the gift of prophesy, but added:

"I and my fellow captives must die, but mark my prediction: our deaths will be the end of slavery."[50]

There are, of course, numerous accounts of the execution of John Brown. The one presented here is from a lecture by S. K. Donovan, a Pennsylvanian by birth and an Ohioan by adoption, who, as representative of the Baltimore Daily Exchange, was the first reporter to arrive in Harper's Ferry after the raid began. He remained in Charlestown while Brown and his men were imprisoned there. Some years after the death of Donovan, which occurred in 1902, a manuscript copy of his lecture was found in the possession of his sister and published for the first time in 1921. Following is his description of the final scene in the life of John Brown:

The air on the second day of December was crisp and sharp, such as we have in this latitude in early December, when the weather is fine. Early in the morning there were fleecy clouds shrouding the sun, but by ten o'clock these had dissipated and the sun shone brightly. John Brown dressed for execution when he rose from bed. About nine o'clock, bedizened with laces and cords and spangles, General Taliaferro, commandant of the 3,000 Virginia uniformed militia, called at John Brown's cell. The old hero was engaged in writing. As he looked up and recognized the General, he said:

"What is the hour of execution?"

"Eleven o'clock," replied the General.

"I will have finished my correspondence before that hour," he replied as he resumed his pen.

Taliaferro stood for a moment and then turned on his heels and left

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[46]Redpath, "John Brown," p 383.
[47]Sanborn, p. 609.
[48]Ibid, p. 593.
[49]Ibid, p. 586.
[50]Donovan, "John Brown," in Ohio Archæological and Historical Society Publications, Vol. XXX, p. 328.

the jail. He did not awe the old raider by his imposing presence and attitude.

At eleven 11 o'clock a furniture wagon, with two horses attached, was drawn up in front of the jail. John Brown with Sheriff Campbell on one side and Jailer Avis on the other stepped from the jail. Unaided I see him as he places his foot on the first step. No bravado, but a calm mien and exquisite poise, step after step he takes, as though he were

Charlestown, Jefferson, Co Va, 2d, Dec, 1859.

Lora Case Esqr

My Dear Sir.

Your Most kind & cheering letter of the 28th Nov is received. Such an outburst of warm hearted sympathy not only for my self, but also for those who have no helper compells me to steal a moment from those alone who love me; in which to prepare for my last great change to send you a few words. Such a feeling as you manifest makes you to "shine (in my estimation) in the midst of this wicked & perverse generation as a light in the world" May you ever prove yourself equal to the high estimate I have placed on you. Pure & undefiled religion befor God & the Father is" as I understand it: an active (not a dormant) principle. I do not undertake to direct any more about my Children. I leave that now entirely to their excellent Mother from whom I have just parted. I send you my salutation with my own hand. Remember me to all yours & my dear friends. Your Friend

John Brown

I received this letter of
John Brown Dec 10th 1859. Written on the day of execution
Lora Case Born Nov 18th 1811.

JOHN BROWN'S LAST LETTER

So far as known, this is the last of Brown's letters, though others may have been written on the morning of his execution. This and the prophetic statement on the preceding page are his only writings that have been published, bearing the date of December 2, 1859. Lora Case, of Hudson, Ohio, was a devoted friend of John Brown.

ascending the stairs in a gentleman friend's home to a chamber in which he was to rest. Reaching the top, he steps forward on the trap, glances at the thousands of soldiers by whom he is surrounded and turns to Jailer Avis with,

"Where are your citizens?"

"Citizens are not allowed to be present," the jailer replies.

"That is a great mistake—a grave mistake. Your citizens should have witnessed this scene."

He throws back his head and looks at the rope which dangles above him. Then his eyes catch the Blue Ridge and he turns almost around

grasping its beautiful sweep up the valley. A touch on his shoulder calls his attention, and, as he faces, the sheriff whispers to him. The old man reaches up and removes his old black felt hat, laying it at his feet; then runs his fingers through his hair, and then his arms are pinioned, his limbs are bound, the rope is adjusted and the white cap is drawn over his face.

Then an order is given to the military and it commences to maneuver. Charging and retreating, flying off at the flank and falling back on the center; ten minutes are occupied in this barbarian behavior, and all the while the old man stands on the death trap without a tremour. Jailer Avis becomes impatient and says to Captain Brown:

"Aren't you getting tired, Captain?"

"No, but I do not see the necessity for keeping me waiting so long."

The military settle. The sheriff approaches the old man and touches his hand with a handkerchief with the remark:

"Drop this when you are ready."

"Oh, no! I do not need that. I am always ready."

In a few seconds the trap is sprung, and in fifteen minutes John Brown's soul is with his God.[51]

The press generally, including all the leading republican papers, condemned the attack on Harper's Ferry, though many of them coupled with their condemnation denunciation of slavery that had maddened men to undertake this rash enterprise. The New York Tribune, perhaps the most prominent of these, regarded Brown as "a madman." The Independent, a radical anti-slavery paper, on the 20th of October, 1859, described Brown as "a lawless brigand."

In the days intervening between the attack on Harper's Ferry and the execution of those who participated in it, however, a great change was noticeable in the comment of these papers. The Independent on November 24 editorially stated: "The people's verdict has already stamped John Brown as a brave and honest man. * * * What is it that will be hanged on the gallows before the eyes of all men? Not John Brown, but slavery. * * * John Brown swinging on the gallows will ring the knell of slavery." The issue of this paper for December 8 contains the following on the influence of Brown:

"No man has ever made such a profound impression on this nation through his moral heroism. * * * Each of his actions, every word he spoke up to the time of his execution has only strengthened and increased the power of his example. He grew constantly greater up to the end. He was greatest at the last, when most men would have been weakest."

It was perfectly natural for the leaders of both political parties to conclude that any suspicion of sympathy with the work of John Brown would seriously detract from the support of the party manifesting such sympathy. Politicians of that day were similar to those of our own time, who probably under like circumstances would act much the same. Their judgment, however, as to the influence of the Harper's Ferry raid upon the destiny of parties was fundamentally wrong. The executions at Charlestown reached profounder depths than the appeals of campaign orators. They solidified the South in defense of slavery. They aroused the North and set the bells to tolling from Maine to Kansas. Abraham Lincoln and William H. Seward might condemn and deplore Harper's Ferry, but it was perhaps making more votes than any other one influence for their party and rapidly preparing the way for the elevation of one of them to the presidency of the United States.

The raid at Harper's Ferry and the executions at Charlestown were prophetic of the cataclysm to follow. While eminent statesmen did not

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[51]Donovan, "John Brown," in Ohio Archæological and Historical Society Publications, Vol. XXX, pp. 320-323.

see this, others divined it and their predictions bear testimony to the fact that in this instance at least—

"Coming events cast their shadows before."

When he left the jail on his way to the place of execution, John Brown handed to a reporter his last written statement:

"I, John Brown, am now quite certain that the crimes of this guilty land will never be purged but with blood. I had, as I now think vainly, flattered myself that without very much bloodshed it might be done."

Victor Hugo, Edmund C. Stedman, William Dean Howells, Wendell Phillips, Ralph Waldo Emerson, Moncure D. Conway and scores of other prominent men united in declaring that the execution of Brown would ring the knell of slavery.

It is remarkable how that event brought together many of the actors in the mighty conflict soon to be. Over the gallows at Charlestown the hand of Fate wrought a paradox. Hither came to witness the execution Col. Robert E. Lee, in a uniform of blue, soon to be exchanged for one of gray and the rank of commander-in-chief of the armies of the southern Confederacy. There was Governor Henry A. Wise, and there in the ranks of the Virginia troops was his promising son, the former to rise to the rank of brigadier general and the latter to lose his life in the service of the Confederacy. At the head of the cadets from Lexington stood stalwart Thomas J. Jackson, destined to become the Stonewall Jackson of history and to fall on the field of Chancellorsville. Henry C. Pate, leader of the Missourians and the captive of John Brown at Black Jack in Kansas, who witnessed with satisfaction the ignominious death of his oldtime foe, was soon to be a Confederate colonel, and Lieut. J. E. B. Stewart, who released Pate in Kansas, was later to become a famous Confederate cavalry general, and both were to die on the same battle field. John Augustine Washington, great-great-grandnephew of George Washington, was to pour out his blood on Virginia soil for the Confederate cause. Conspicuous for his horsemanship and soldierly bearing among the assembled troops was Capt. Turner Ashby, afterwards a Confederate general, who lost his life for "the lost cause." While there with the Richmond troops, that wayward evil genius, John Wilkes Booth, witnessed an act which was to pale into insignificance compared to his murderous deed that plunged the Republic into woe and shocked the civilized world.

And there, the master of ceremonies on this occasion, in gorgeous uniform, armed and bespangled, rode Gen. William B. Taliaferro, who served and survived the Confederacy; and in the ranks of his men were many who were to rise to distinction and shed their blood in uniforms of gray.

And all these were here to punish treason—to vindicate and uphold the majesty of the law of the United States and the commonwealth of Virginia.

Fate turned the kaleidoscope, and lo! all these by the same token became themselves traitors and boldly joined an insurrection to rend the Union asunder!

In order that the paradox might be complete, all the surviving followers of John Brown able to bear arms put on the uniform of blue and fought under the flag to preserve the Republic and blot "the dark stain of slavery * * * from our land." Richard J. Hinton, Thomas Wentworth Higginson, John Brown, Jr., Barclay Coppoc, Charles P. Tidd, Francis J. Merriam, Salmon Brown, Charles Moffett, Luke F. Parsons, Osborn P. Anderson, Richard Realf, Charles Lenhart, and others who were identified with Brown in Kansas or elsewhere answered the call of the nation. The first two rose to the rank of colonel. Others gave their lives and all followed the flag with loyalty and zeal.

It is remarkable, too, that Governor Wise who so eloquently denounced traitors in 1859, in 1861 should himself become one of the chief agents in taking Virginia out of the Union and the chief conspirator in

the capture of the arsenal at Harper's Ferry and the transfer of the arms there to the enemies of the United States government, and that this same governor, a year and a half later, should rejoice that armed forces were on their way to consummate the treasonable act that he had planned, and that he should exhort Virginians to take a lesson from John Brown and with spears and lances spill the blood of their craven Yankee foes.

Swiftly, with startling and dramatic sequence, the scenes shifted on the stage of history. Eighteen months after John Brown mounted the scaffold with the step of a conqueror and stood unawed with the hangman's rope around his neck, the Twelfth Massachusetts Regiment was on its way South to put down the rebellion and singing as it went:

> "John Brown's body lies moldering in the grave,
> But his soul goes marching on."

And the chorus of this battle song went on from Bull Run to Appomattox.

The second day of December, 1859, was clear and the spirit of peace seemed to rest on the Virginian valleys and mountains. But this was only the calm that precedes the storm. Over these roads were soon to march contending armies. The rocky escarpments of the Blue Ridge were to shake with the thunders of cannon; the heights of Bolivar were to be strewn with the dead and dying; the Potomac and the Shenandoah were to bear again ensanguined stains; the mighty hosts of the blue and the gray were to be swept into the red whirlwind of civil war.

Abraham Lincoln, who sought to avert the crisis, was soon calling for troops to preserve the Union and destroy slavery by force of arms. He too had moved far on the tide that had borne the nation from its old moorings. Not infrequently his statements, in spirit, were in harmony with those from the jail at Charlestown. In his last inaugural address, almost from the brink of eternity, he uttered in those solemn, poignant words the decree that not only rebellion, but slavery, should perish by the sword:

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's 250 years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said 3,000 years ago, so still it must be said, The judgments of the Lord are true and righteous altogether.

And not until the venerated Lincoln had joined the list of martyrs and John Wilkes Booth had paid the penalty for his dire deed could a distracted country say in the presence of the awful tragedy, "It is finished"

Edwin Coppoc

Among many villages of our state that pursue the even tenor of their way so peacefully and quietly that they earn their way to honorable obscurity, is Winona, Columbiana County. This name was chosen from Longfellow's Hiawatha, for the citizens of this place find time to read, enjoy what we dignify as "literature" and are in a very useful and unpretentious way "cultured." The church and the school are liberally patronized. The moral standard of the community is high.

Through the bellum and ante-bellum days this village was simply a crossroads, unnamed as yet, with little to distinguish it from the surrounding country, which is rolling, well watered and fertile. It was not christened Winona until the year 1868.

Hither in pioneer days at the opening of the last century came the Quakers, chiefly from North Carolina. The admission of Ohio as a free state in 1803 made it attractive to these people. They were uncom-

promisingly opposed to slavery. They did not seek controversies with slaveholding neighbors in the South, but preferred to make their homes in a land dedicated to universal liberty.

As a people they were frugal, industrious, honest, a little inconsistent, strangers say, in their plain clothes and plain language, but opposed with uncompromising firmness to all forms of organized injustice, intolerance and oppression. In the new state they found congenial environment, the opportunity to practice unmolested the tenets of their simple faith and a form of government that disturbed them little in the course of their uneventful and peaceful lives.

The settlement about what afterward became Winona was typically Quaker. Year in and year out these people tilled the earth, sowed the seed and gathered the harvests in. On the first day of each week they met for silent worship. They bowed in silence before partaking of their daily bread. They were a law unto themselves and very seldom needed either the restraining or directing hand of government. This is about the last place that we should expect to give birth to anyone who should startle the community or aid in startling the world.

And yet on some subjects these people thought seriously and profoundly. The slavery question was to them one of absorbing interest. On it they read and meditated. To many of them it was a source of education. They became familiar with all the antislavery arguments. To "remember those in bonds as bound with them," was for them invested with all the force of a direct command from Mount Sinai. Opposition to slavery grew with the passing years and the appeals of Lundy and Garrison found a fervid response in this farming community.

We have heard much of the "isolation of the rural districts." This did not apply to the region of which we write in the three decades before the Civil war, for it was located in Columbiana County, and only six miles distant was the Town of Salem, a center of antislavery agitation, from which radiated the itineraries of the agents of the Western Anti-Slavery Society.

In this community, when the movement was in full swing, the Coppoc brothers, Edwin and Barclay, were born. Their grandfather, John Coppoc, and his wife moved to Mount Pleasant, then in the North-Western Territory, but one year late in the State of Ohio. In the year following, 1803, he moved to what in 1806 became Butler Township, Columbiana County, Ohio.

John Coppock was descended from Aaron Coppock, of Cheshire, England, who was born August 19, 1662, and came to America in 1683. He was a minister of the Gospel forty-two years. His son John, born July 1, 1709, married Margaret Coulston. To them were born five children. The youngest son, Samuel, born November 3, 1748, married Anne Stillwell. Their oldest son, John, born November 4, 1776, married Catherine Kirk. Their son Samuel married Anne Lynch. Of this union six children were born, Levi, Maria, Edwin, Barclay, Lydia and Joseph L. Levi and the two daughters died before they reached the age of twenty-five years. Joseph L. Coppoc saw very active service in the Civil war and rose to the rank of major. He was for many years a minister in the Baptist Church. A number of children survive him.

The sons of Samuel Coppock spelled their family name Coppoc, omitting the final k. A cousin explains the change in spelling as follows: Levi, the oldest son of the family, who died in his twenty-fourth year, was an expert speller and inclined to favor simplified spelling, which even at that early day had a few advocates. He and his brothers and sisters omitted the k in spelling the family name, but their father always retained it. While there seems to have been no authority for changing the name from "Coppock" to "Coppoc," this latter spelling will be used in the names of those who had adopted it. In other words, each person will be accepted as authority on the spelling of his own name.

It will be seen that the Coppocks were of Colonial ancestry. They came from Pennsylvania to that part of the Northwest Territory which afterward became Ohio.

Edwin Coppoc, the third child of Samuel and Catherine (Kirk) Coppock, was born in Butler Township, Columbiana County, Ohio, June 30, 1835. His brother Barclay was born at the same place January 4, 1839. Their father died when the boys were young. They grew up under the influence of a devout mother, grandparents and other relatives. The father died early in 1842, leaving a wife and six children, ranging in ages from one to ten years. In the spring of 1842, a few months after the death of his father, Edwin was placed with John Butler, a farmer of sterling character, with whom he remained for eight years. During this time he attended school in the winter and performed the work that usually fell to the lot of farmer boys in the neighborhood.

The years from 1842 to 1850 were eventful. They covered not only the brief period of the Mexican war but the antislavery agitation which had been intensified by the results of that war, including a substantial extension of slave territory, and the exciting debates in Congress leading up to the enactment of the Fugitive Slave Law. It is needless to say that discussion of the burning question of the hour was carried on almost without interruption in the Quaker communities of Ohio, and much that was said sank deep in the receptive minds of the young. The talk in front of the ample fireplace, at the table, in the church and on the rostrum turned upon the wrongs of those in bonds and the aggressions of the slave power. To all this Edwin Coppoc was an attentive and serious listener. His impressions were lasting; what he heard had much to do with what he became when he reached young manhood's estate.

At the age of fifteen years, somewhat to the regret of Mr. Butler, young Coppoc went to Springdale, Iowa, in what was then known as the Far West, to join his mother, who had married a man by the name of Raley and was reestablishing a home for her children. She was a women of native intelligence and strong convictions. Already she had known the trials and vicissitudes of life. She had lost the sight of one eye when she was a child and the other was beginning to fail. Two daughters and a son were soon to follow their father to the grave. As Edwin grew into sturdy young manhood she looked to him as a source of comfort and support. He was industrious, frugal and bade fair to become a successful farmer in the new western home.

Late in December, 1857, an event of unusual importance occurred in the Village of Springdale. It was the arrival of John Brown and his party on their way from Kansas to Canada, preparatory to the attack on Harpers Ferry. It had not been the intention of John Brown to stop long at Springdale. He decided, however, to spend the winter here. The attitude of the peace-loving Quakers was distinctly friendly. They threw open their homes and bade the storm-beaten little expedition of anti-slavery warriors a cordial reception. "Thee is welcome," was their salutation, "but we have no use for thy guns."

John Brown himself lived, while in Springdale, with John H. Painter, a Quaker who became his staunch friend. His men, however, were quartered in the home of William Maxson about three miles distant from the village. Here they found a haven of rest and social enjoyment that contrasted sharply with the excitement and turmoil of the border warfare in Kansas. Maxson was not a Quaker, but an ardent abolitionist.

They had regular camp duties to perform under the direction of Aaron D. Stevens, one of their number who had served in the United States army and was an ideal instructor in military tactics. The men began their daily work at five o'clock in the morning. Immediately following breakfast they took up their studies and continued until about

ten o'clock. Books were then laid aside and the remainder of the forenoon was devoted to drill in the school of the soldier. A portion of each afternoon was spent in gymnastics, sword drill and company movements. This training was conducted in an open space close to the Maxson home. There was perhaps a double purpose in this. It was conveniently located with reference to "winter quarters" and the exhibition of arms, "carnal weapons," was not obtruded upon the peace-loving Quakers of the village.

Of course these "conscientious objectors" to the use of arms knew what was in progress at the drill grounds. They also understood in a general way that Brown and his followers believed that slavery must be overthrown by force of arms, but their religious objections to war were very materially modified by the thought that the projected warfare was to be launched against the institution of slavery, which they considered the supreme iniquity of the age. They were in full sympathy with Brown in the object to be attained and while they did not approve they were disposed to excuse the means by which he sought to achieve the end. Had he and his followers come on a mission to return fugitive slaves to their masters, they would have found Springdale at this time a most inhospitable abiding place. With a community of views on the slavery question as a basis, there were other considerations that aroused in the people of this pioneer village additional interest in their guests. Had not these young men and their chieftain already achieved fame on the plains of Kansas? These were the heroes of Black Jack and Ossawatomie, who had opposed the border ruffians from Missouri. Free State papers and the New York Tribune had brought the news to the community. Besides, the new comers by their social deportment and their manifest interest in literary attainment most favorably impressed their Quaker friends, especially those of about their own age. Kagi was a ready writer, a skillful debater and an able speaker. Cook was of a poetic temperament, fluent and impressive on the rostrum. Richard Raelf had already written poetry of genuine merit, was a born orator and a lecturer who was heard with genuine pleasure. He had come from England, had traveled much, was reputed to have been the protege of Lady Byron and it was even hinted that he was related to her husband, the famous poet. That he was a youth with claim to native genius is attested by the substantial volume of his poetry that was collected and published after his death by his friend, Col. Richard J. Hinton. All the members of the little band had had thrilling experiences on the border which furnished interesting narratives for the long winter evenings around the hospitable firesides. In addition to this all of the men, except John Brown himself, were young and of attractive personality.

It is scarcely necessary to state that from the day of the arrival of these guests, Edwin and Barclay Coppoc were sympathetic observers and listeners. "They both took much interest in Brown, his men and his cause, and at length enlisted under his leadership."

If these two boys and the good people of Springdale were favorably impressed with John Brown and his men in the winter of 1857-58 and shed tears when they took their departure on April 27 of the latter year, it will be readily understood that great interest was aroused by the arrival, on February 25, 1859, of John Brown and a part of his faithful band with the eleven negroes whom he had liberated in his famous foray into Missouri. Was this not a practical demonstration of the efficacy of Brown's plans? Here were the men, women and children that he had delivered from the land of bondage, now well on their way to freedom under the protecting folds of the British flag. The dusky charges were distributed among the homes of Springdale and here for a time they rested before starting on the final stage of their journey to freedom. To the young men of the village especially there was a strong appeal in this spectacular exploit and its antecedent adventure.

But among the older citizens of Springdale misgivings began to find guarded expression. The news came that the United States authorities were on the trail of this band of liberators, that a large reward had been offered for the capture of Brown.

The officers of the government might appear at any time. The young men of the village, a number of them, were ready to take up arms to prevent the return of the slaves and the awful possibility loomed up of a pitched and bloody battle in the streets of Springdale. The Quakers, of course, did not wish to witness this. They were not yet ready for the results to which their agitation and teachings were unintentionally but inevitably leading.

Much to their relief the armed conflict did not occur and John Brown with his dusky freedmen, on March 9, left to take the train and continue their journey to Canada. After the final departure of Brown from Iowa, Edwin and Barclay Coppoc remained for a time in Springdale and then went to visit friends in the old neighborhood near their birthplace south of Salem, Ohio. Just what the motive of this visit was is not very clear, but it was certainly fitting that the brothers should visit again the scenes and kindred about their old home before entering upon the enterprise that was to mean so much of loss and gain to each of them.

After they left Springdale little was heard of them until the village was thrilled and the country was startled with the news of the attack on Harpers Ferry.

The exact date of the arrival of the brothers at the Kennedy farm in Maryland, where John Brown's men were assembling for the attack on Harpers Ferry, is not definitely known. They were probably there before the end of the first week in August, however, and did not leave for excursions to any great distance before the night of the attack.

The days of August slipped away. September came and long before it waned the men of Brown's party began to grow impatient at the delay. Each had to be constantly on his guard to avoid suspicion which was ever rife near the boundary between the free and the slave states. Efforts of slaves to escape from their masters in this region were not infrequent and the agents of the Underground Railroad were increasingly active.

The days of September were finally gone and time moved on with leaden feet through the early days of October. In the meantime commissions were issued to a number of Brown's men, designating the rank of each in the little army to be formed if the raid should prove successful. Edwin Coppoc was commissioned lieutenant.

At last on Sunday night, October 16, nineteen men fully armed marched from the Kennedy farm. Edwin Coppoc was among the number. Barclay remained behind with Merriam and Owen Brown to guard arms and stores.

Onward in silence under the shades of night the resolute little band marched into Harpers Ferry. In accordance with previous plans, carefully laid, Albert Hazlett and Edwin Coppoc took charge of the United States armory as soon as the guards there were overpowered and made prisoners. Long before dawn of the next day Harpers Ferry, the United States arsenal, the rifle works, the engine house and the approaches to the town were in the hands of the invaders. As the startled inhabitants awoke they realized that they were captives in the hands of an unknown military force. The story of the fighting that followed on those memorable days, October 17 and 18, between Brown and his followers and the Virginia militia and the United States marines under the command of Lieut.-Col. Robert E. Lee, now in a uniform of blue but later in a uniform of gray and commander-in-chief of the Confederate Army, has been told often in graphic detail and need not here be dwelt upon at length. On the day following the attack Edwin Coppoc was driven under fire from the armory into the engine

house where John Brown made his last stand, fighting the infuriated Virginians and the marines as they battered in the doors behind which he and the remnant of his followers were beaten down and captured. Strange to say, Edwin was not even wounded.

Jesse W. Graham, a workman in the United States armory and a captive of John Brown, related this interesting incident of the siege of the engine house, after the arrival of the marines under Lieut.-Col. Robert E. Lee:

"Early on Tuesday morning I peeped out of a hole and saw Colonel Lee, whom I had seen before at the Ferry, standing close by with the troops behind him. A negro stood near him, holding a large military cloak. Just then Edwin Coppoc thrust me aside, and thrust the muzzle of his gun into the hole, drawing a bead on Lee. I interposed, putting my hand on the rifle and begging the man not to shoot, as that was Colonel Lee, of the United States army, and if he were hurt the building would be torn down and they'd all be killed. Green again put up his pistol and Coppoc readjusted his rifle. During this momentary altercation, Robert E. Lee had stepped aside, and thus his life was saved to the slaveholders' Confederacy."

Shortly after the capture of the engine house, S. K. Donovan, the first newspaper correspondent on the ground after the raid commenced, impressed with the apparent youth of Edwin Coppoc, his bearing and frank face that seemed out of harmony with the tragic experiences of the last two days and nights, went up to him and said:

"My God, boy, what are you doing at a place like this?"

"With remarkable coolness," said Donovan, "the boy answered, as I recall the words, 'I believe in the principles that we are trying to advance and I have no apologies for being here. I think it is a good place to be.' "

The capture took place on the morning of October 18. Coppoc was held with the other prisoners in the armory guard room until noon of the following day and then taken with them to the jail at Charlestown, Virginia, the seat of justice of the county in which the raid occurred.

Governor Henry A. Wise, of Virginia, went on the train that carried the prisoners. Years afterward, Rev. Joseph L. Coppoc, a younger brother who was not at Harpers Ferry, in a magazine article said:

"While on the train carrying the prisoners from Harpers Ferry to Charlestown, Governor Wise approached my brother and eyeing him a moment said to him, 'You look like too honest a man to be found with a band of robbers.'

" 'But, Governor,' he replied, 'we look upon you as the robbers.' "

In jail at Charlestown the meditations of this youth took a wide range. This is indicated by letters written at the time from which the space at our command will not permit even brief quotation. There were hours of regret and a longing at times for the peace and quiet that he had known on the farm in Columbiana County or later with his mother at Springdale.

In the meantime strenuous efforts were made to save Edwin's life. His previous good record, his deportment in prison, his courage and frankness, together with the large number of highly respectable Quaker friends who interceded in his behalf, appealed very strongly to the Virginia authorities, including Prosecutor Hunter, Judge Parker and Governor Wise. Thomas Winn, a Quaker friend of the Coppoc family from Springdale, took the lead in the effort to have the sentence commuted to life imprisonment. And most adroitly and effectively he pressed the plea for mercy. In reading the papers he presented, one cannot fail to be impressed with the persuasive power that he brought to bear to accomplish his great desire. Himself a consistent Quaker who was opposed to the settlement of any question by the abitrament of war, he was in a position to disclaim all sympathy with the armed invasion of Virginia.

Governor Wise was much impressed by the conduct of Edwin Coppoc in prison and the pleas made in his behalf by members of the Society of Friends. He could not commute the sentence of Coppoc in this case because he had been convicted on a charge of treason. All that the governor could do was to appeal to the Virginia Legislature then in session in Richmond, Virginia. This he did, personally declaring that if armed with the power he would commute the sentence, but his appeal was in vain.

The time for his execution was rapidly approaching. On December 13, 1859, he wrote to his uncle, Joshua Coppoc, the remarkable letter that deserves to rank among the poignant and prophetic utterances called forth by the long anti-slavery struggle preceding the Civil war. If at other times what he wrote had the tone of regret to be expected from a farmer boy caught in the net of circumstance, this letter reveals the man, mindful still of his impending fate, but sustained by devotion to a cause and faith in the speedy coming of that "glorious day" which he could see in vision almost from the platform of the scaffold. Following is the letter:

"Charlestown, Dec. 13th, 1859.

"My Dear Uncle:

"I seat myself by the stand, to write for the first, and last time, to thee and thy family. Though far from home and overtaken by misfortune, I have not forgotten you. Your generous hospitality towards me, during my short stay with you last spring, is stamped indelibly upon my heart; and also the generosity bestowed upon my poor brother, who now wanders an outcast from his native land. But thank God he is free. I am thankful that it is I, who has to suffer, instead of him.

"The time may come when he will remember me, and the time may come when he will still further remember the cause in which I die. Thank God, the principles of the cause in which we were engaged will not die with me and my brave comrades. They will spread wider and wider, and gather strength with each hour that passes. The voice of truth will echo through our land, bringing conviction to the erring, and adding numbers to that glorious army who will follow its banner. The cause of everlasting truth and justice will go on conquering, to conquer, until our broad and beautiful land shall rest beneath the banner of freedom.

"I had hoped to live to see the dawn of that glorious day. I had hoped to live to see the principles of the Declaration of our Independence fully realized. I had hoped to see the dark stain of slavery blotted from our land, and the libel of our boasted freedom erased, when we can say in truth, that our beloved country is the land of the free, and the home of the brave.

"But this cannot be. I have heard my sentence passed. My doom is sealed. But two more short days remain for me to fulfill my earthly destiny. But two brief days between me and eternity. At the expiration of those two days, I shall stand upon the scaffold to take my last look of earthly scenes, but that scaffold has but little dread for me; for I honestly believe that I am innocent of any crime justifying such punishment. But by the taking of my life, and the lives of my comrades, Virginia is but hastening on that glorious day, when the slave shall rejoice in his freedom. When he can say, 'I too am a man, and am groaning no more under the yoke of oppression.'

"But I must now close. Accept this short scrawl as a remembrance of me. Give my love to all the family. Kiss little Josey for me. Remember me to all my relatives and friends. And now farewell for the last time.

"From thy Nephew,

"Edwin Coppoc.

"P. S. Thee wished to know who was here with me from Iowa.

"Thomas Winn is here and expects to stay until after the execution; and then will convey my body, to Springdale. It is my wish to be buried there."

"While there is life there is hope"—so runs the trite adage. When Edwin Coppoc wrote the foregoing letter he did not expect to escape execution, but he was even then working out with his fellow prisoner, John E. Cook, a plan devised by them to regain their liberty. Along one side of the cell in which they were confined was a heavy plank, held in place by screws. With the aid of two knives and a long heavy screw taken from their bedstead they loosened the plank and under the shadow of darkness took out some of the bricks from the jail wall. A few of these were concealed in the bed; others were left loose in the aperture that was forming back of the single outer layer of brick that remained to be removed on the night chosen to make the final effort for freedom.

And a faithful friend was ready to assist, just outside of the prison walls—an active Free State partisan from Kansas, who had arrived at the Ferry too late to join the followers of John Brown in the attack. His name was Charles Lenhart. In the hope that he might in some way aid his old leader and the other prisoners he took on the disguise of a pro-slavery sympathizer, denounced the raiders, enlisted in the Virginia militia, was present at the execution of John Brown and had remained in Charlestown in the hope that he might be of service to his friends. On the night chosen by Cook and Coppoc for the escape, Lenhart was sentinel at the angle of the jail where they had planned to scale the wall. He of course was not to see them, they were to flee to the mountains—and liberty.

Thus far fortune had favored their efforts. On the evening of December 14, Lenhart was at the post outside of the prison wall. The shadows of night fell on the valley and over the mountains. The sentry paced back and forth eagerly looking through the darkness for the appearance of his friends on top of the wall back of the jail. Anxiously he watched and listened. Midnight, and no sign from the gloomy prison! Slowly and silently passed the hours until a new day faintly dawned over the mountains—and the imprisoned men did not come forth.

In the meantime Cook and Coppoc were in serious whispered conference in their cell. On the very day preceding this night, Cook's brother-in-law, Governor Ashbel P. Willard, of Indiana, Mrs. Willard, his sister, and a lady friend of the family had called for their final farewell. The parting was very affecting, for Mrs. Willard was strongly attached to her brother. She was so overcome that she and her husband did not leave Charlestown that evening as they had planned.

Cook felt that his escape that night in accordance with the carefully laid plans would involve his brother-in-law and his sister in charges of complicity, and he refused to leave the jail. He urged Edwin Coppoc to go, but he would not desert his comrade in the crisis. They decided to wait until the next night and take their chances when a stranger was on guard outside.

Early in the night of December 15, they removed the thin layer of brick and without difficulty reached the open space in the jail yard. The scaffold on which John Brown had been executed was there. Up this Coppoc climbed to the top of the outer wall and lay there at full length. Cook followed, but before mounting the wall held up his hat on a stick to learn whether the guard outside was on the watch. The prisoners were detected, the alarm given and the chance to escape was gone. Had the attempt been made the night before with Charles Lenhart on guard it is needless to say that there would have been a very different record to write.

Intense excitement followed the attempt of the prisoners to escape. The people flocked in from the surrounding country to witness the exe-

cutions. These were times when a legal hanging was still regarded as something of a holiday. The exhibition had not yet been driven by public opinion from the light of day to the darkness of midnight and the seclusion of the dungeon. It is claimed that four or five times as many were present as at the execution of John Brown. The place and scaffold were the same.

So far as known, the very last letter written by Edwin Coppoc was the short note to his faithful and resourceful friend, Thomas Winn. It was as follows:

"My Dear Friend Thomas Winn: For thy love and sympathy, and for thy unwearied efforts in my behalf, accept my warmest thanks. I have no words to tell the gratitude and love I have for thee. And may God bless thee and thy family, for the love and kindness thee has always shown towards my family and me. And when life with thee is over, may we meet on that shore where there is no parting, is the farewell prayer of thy true Friend, Edwin Coppoc."

On the morning of December 16 the prisoners were aroused early and prepared for execution. The ministers and a few others besides the officers were permitted to meet them before they left the jail.

"It is hard to die," remarked a Quaker to Coppoc.

"It is the parting of friends, not the dread of death that moves us," was the reply.

The two men were remarkably cheerful before leaving, but seated on their coffins their expressions changed. One correspondent wrote:

"The countenance of Coppoc changed; his face wore a settled expression of despair. He looked wildly around upon the crowd, and his large eyes lighted with an unnatural luster. Many a heart sighed for him. Most of the community were anxious for a commutation of his sentence."

Like John Brown, this youth in his last hours was sustained by the faith that the cause was worthy of the sacrifice. But he was young and the current of health coursing through his veins made life precious and its surrender sad.

Arriving at the scaffold, "the calm and collected manner of both was very marked. They both exhibited the most unflinching firmness, saying nothing, with the exception of bidding farewell to the ministers and sheriff. After the cap had been placed on their heads, Coppoc turned toward Cook and stretched forth his hand as far as possible. At the same time Cook said, 'Stop a minute—where is Edwin's hand?' Then they shook hands cordially and Cook said, 'God bless you.'"

After everything was in readiness, Cook said, "Be quick—as quick as possible," which was echoed by Coppoc, and in a few moments they departed this life forever.

After receiving a letter from his nephew, Joshua Coppock had gone at once to Charlestown. The day before the execution he talked over with Edwin and Thomas Winn matters of mutual interest and the former changed the request, expressed in his letter, to a preference for burial near his birthplace in Columbiana County.

Back to Salem Joshua Coppock and Thomas Winn brought the body in a coffin provided by the State of Virginia. Arrangements were promptly made for a quiet funeral in accord with Quaker custom. No daily papers then announced the latest news to the people in the rural districts, but in spite of that fact they came in great numbers on December 18 to attend the funeral. Until late in the afternoon they continued to come, some through curiosity no doubt, but very generally through sympathy. All were seriously respectful. The number that came, many to remain but a short time, was estimated at between two and three thousand, and the last simple rites took on the aspect of a large public funeral. In the little room at the home of Joshua Coppock where the body lay, a neighbor woman, Rachel Whinnery, from an

adjoining farm, rose and in fitting voice read the following address that she had prepared only the evening before:

"Friends: A brother lies before us, murdered by brothers' hands! Every heart present should swell up in deepest sympathy for the youth, who, apparently, is taking a calm slumber here, to recuperate a system which looks full of health and vigor. How can we realize that this is Death? No sickness has wasted his natural form, nor has an unforeseen accident laid him low. With the stamina of life about him to have lengthened his time to four score years and ten, the cord of life is rent asunder at twenty-four years. The violent hands of man have been laid upon him. His own words are, 'I am thankful that no one fell by my hands!' He, as one of old, fell among thieves, and though the good Samaritans were there to bind up his bleeding, mental wounds, his physical life was sacrificed, and he was murdered for a principle, and that principle was Freedom! On that broad and expanded brow, may be traced the lineaments of Liberty. Slavery has snatched, as it were, a birdling from our own dovecote, a brother from our own fireside—what can she more?

"The people of Virginia have manifested a great degree of hospitality towards the friends of the departed, who were with him; but what can they give equivalent to that which they have taken away? Can that mother, whose sight is almost obliterated, feel that she can be thus recompensed for so sad a bereavement? Every mother's heart that looks on the lifeless form before us, will feel that Virginia has not only done HER, but themselves, too, a grievous wrong. Would that I could this day summon Governor Wise and the Legislative body of Virginia here to let them gaze on the victim of their barbarous vengeance, and from thence direct it to the aged grandmother, over whose head the snows of four-score winters have passed, bowed with grief, that one so full of life, and so young in years must cross the valley of the shadow of death before his time. I would have them gaze on the saddened faces, the falling tears of other relatives and friends, and if they were not affected by this, need we wonder at the infamous deed they have committed.

"Not one smiling face is here today. Sadness overhangs us like a pall! But this is only for the physical; mortality has put on immortality, and to him the physical is laid aside. He died, as died other martyrs before him, and the good and the true, among the present and coming generations, will feel that for him there is a crown of glory, where dungeon walls will not loom over him; where manacles cannot gall his limbs, and where that awful feature of barbarism, THE GIBBET, will not appall his soul. With the beautified throng of angels, we leave thee, Oh! our Brother! Thy physical form we consign to Mother Earth; thy soul to thy Father, God, who gave it."

As the setting sun in bars of red cloud passed below the horizon, the remains of Edwin Coppoc were lowered into the grave in the Friends' churchyard, among the quiet hills and valleys of his childhood days. When the shadows of night had fallen and the funeral crowd had vanished, a few sturdy men entered the Friends' Church with arms in their hands to guard the dead, for a rumor had gone abroad that an effort would be made to rob the new made grave.

After the funeral, of course it was the one topic of conversation about the country firesides for many miles around, and there was much sympathy and resentment in the town of Salem. Dissatisfaction was felt at the quiet funeral. Fear was expressed that the body would be removed by pro-slavery sympathizers. Someone said in the midst of a crowd of listeners that it was little short of a disgrace to permit the body of this young martyr to remain in a coffin furnished by the slave state of Virginia. This view soon found frequent expression. There was a demand for a more public funeral in order that the sentiment of Salem and the surrounding country might have adequate expression.

Announcement was made in the papers and in a handbill signed by prominent citizens of Salem. December 30 was fixed upon as the date for the second and final burial, in Hope Cemetery, Salem, Ohio.

The appointed day brought a very large crowd of people to Salem to attend the final obsequies. The following account in the main is a paraphrase of the one published in the Salem Republican:

In the morning the people began to arrive, some of them from a considerable distance. Long before the appointed hour, one o'clock in the afternoon, the town was thronged with thousands of strangers, who came to pay the final tributes of respect and sympathy. The body of the

Edwin Coppoc

dead youth was still well preserved, but his face, so lifelike at the former funeral, had begun to discolor. It was shrouded in a costly metallic coffin to which it had been transferred. Alfred Wright at the head of a committee of arrangements had charge of the funeral. The body lay in the Town Hall, which had so often, in the years gone by, rung with appeals for the cause that took Edwin Coppoc to Harpers Ferry.

Rev. James A. Thome, of Ohio City, now a part of Cleveland, offered a prayer, which he followed with brief remarks. He declared that Coppoc's purpose was righteous and that he died "a martyr to the sacred cause of liberty."

Through the Town Hall passed the throng, estimated at six thousand, unusually silent and solemn, even for such an occasion.

Later the body was borne out of the hall to the hearse and the procession moved to the grave on the hill in the following order: First, the near relatives; second, the pall bearers; third, the colored people for whose race the deceased had given his life; fourth, citizens on foot, followed by those from a distance in carriages.

The coffin was lowered into a strong plank box, well ironed, in a grave of unusual depth.

And thus the remains of this unpretentious youth, this warrior in the anti-slavery cause, whose life was full of vicissitudes, found a final resting place in a spot that he had known in childhood days. His warfare was over and his sleep so deep that it could not be broken by the opening gun at Fort Sumpter, the marching of "that glorious army" to the southland, the thunders of contending hosts on a hundred battle fields, the final overthrow of Lee whom he had spared to lead the Confederate legions, the triumph of liberty and union, the "Declaration of Independence fully realized." All this, which he was not permitted to witness with mortal eye, he saw in vision before he went to his final rest.

John Henri Kagi

John Henry Kagey, the only son of Abraham Neff Kagey, was born in Bristolville, Trumbull County, Ohio, March 15, 1835. His mother died when he was but little more than three years old. His father was the village blacksmith. He was educated in the common schools of his day with the meagre advantages that they offered. He was studious, interested beyond his years in the acquisition of knowledge, and possessed of a remarkably retentive memory. He might almost have been considered precocious. Quiet, correct in his deportment and of good moral character, he was respected by his associates and elders.

While he eagerly pursued his studies in school, he was largely self-taught. His progress in his studies led his uncle, Jackson Neff, to send him to an academy in Virginia. The Kageys originally came from that state and had many relatives there.

John Henry Kagey was interested in stenography and became a rapid and accurate shorthand writer. A little before he reached the age of seventeen he taught school at Hawkinstown in the Shenandoah Valley of Virginia, where a number of his relatives lived. He early manifested his opposition to the institution of slavery. So strong and outspoken was his opposition that his services as teacher were no longer desired in the valley of the Shenandoah. He therefore returned to the more congenial environment of his native village. Here he continued to teach school and pursue his studies. He acquired a fair knowledge of the German and French languages and gave instruction in these. He read eagerly the literature on a wide variety of subjects and became a fluent speaker and ready debater. He was a relentless logician and followed his premises to their inevitable conclusions. He was compared by Richard Realf to Horace Greeley, not because he personally resembled the distinguished journalist, but because of his manner of speaking and the lines of argument by which he reached his conclusions.

In 1853 he reported the proceedings of the constitutional convention at Lexington, Kentucky. It was probably here that he became interested in the study of the law. He was admitted to the bar at the age of twenty-one, "somewhere in the West," according to Villard, at Nebraska City.

There are a number of variants in the orthography of the word Kagey. This appears to have been the spelling by those who settled in Bristol Township, Trumbull County. The author of the genealogy of the family adopts the spelling Kagy and entitles the ample volume that he has edited a "History of the Kagy Relationship in America." His own name, however, he signs Keagy. John Henry Kagey was interested in his ancestry, and changed his name to correspond with the spelling of his ancestors who came to this country from Switzerland. He subsequently wrote it John Henri Kagi.

Although the name of John Henri Kagi, so far as we are aware, occurs in no Ohio history, general or local, much has been written about

him, and a number of statements relative to his character and personal appearance are available in print. Perhaps the best collection of these is found in Col. Richard J. Hinton's "John Brown and His Men." Oswald Garrison Villard states that Kagi was the best educated of all the men that went with John Brown to Harper's Ferry. "Many admirably written letters," he tells us, "survive as the products of his pen in the New York Tribune, the New York Evening Post and the National Era. He was, moreover, an able man of business, besides being an excellent debater and speaker. He was an expert stenographer and a total abstainer."

JOHN HENRI KAGI

On July 4, 1856, Kagi was in Topeka, Kansas, and a deeply interested witness of the dissolution by military force of the free-state Legislature that had reassembled there. As stated elsewhere, Col. Edwin V. Sumner, acting under orders from Washington, appeared before that body and commanded its members to disperse, declaring at the same time, "this is the most disagreeable duty of my whole life." His heart was evidently not in the work that his government commanded him to perform. This use of the military profoundly impressed young Kagi. To his mind it was now clear that force must be met by force. He soon afterward joined Company B, Second Regiment of the Free State Volunteers, in the army of General Lane. Civil war was now in progress throughout the territory. Bands of pro-slavery men and free state men in arms were in motion in different sections of Kansas.

In the meantime Kagi had written much for the newspapers. He was correspondent for the New York Tribune over the signature "Potter." His contributions to the New York Evening Post were signed "Kent." He was the regular correspondent of the National Era over

the initial "K." He also wrote news letters to the Chicago Tribune and the Cleveland Leader; for the Kansas Tribune at Topeka and the Republican at Lawrence, Kansas. It was as newspaper correspondent that his influence was felt, especially in the North. The Eastern papers for which he wrote were then widely read, and the news from Kansas was eagerly sought by the opponents of slavery.

Kagi was indicted by the pro-slavery authorities of Kansas for highway robbery and arson. If the arrest was intended to stop his pen, as charged by the free state men, it utterly failed. He continued to write his news letters in prison and get them to the Eastern papers. The man whose buildings he was charged with having aided in burning was his jailer. In January of the following year his health failed, and he was admitted to $5,000 bail. The experiences of Kagi and his associates in prison are fully set forth in his news letters. The condition of these men has been described as "pitiable in the extreme." This did not subdue the spirit of Kagi. After his release from prison in January, 1857, he went to Lecompton to report the proceedings of the pro-slavery Legislature assembled there, and was immediately rearrested. This time he was released on bonds of $8,000. He was never brought to trial.

In the early part of 1857 occurred a rather exciting incident at Tecumseh, the pro-slavery county seat of Shawnee County, Kansas. Topeka, the free state village, was located about four miles distant, and clashes between the two were frequent. A free state resident was robbed, it was claimed, by a pro-slavery townsman of Tecumseh. An appeal was made by the victim of the robbery to friends in Topeka. It was finally proposed to arbitrate the controversy. A committee was appointed, consisting of the accuser and the accused with Judge Rush Elmore, formerly of Alabama, who had served for a time as one of the United States judges of the territory. As accuser and accused naturally could not agree, the decision was left to the ex-judge, who declared his inability to decide the case. In commenting on the decision, Kagi made the following statement in a news letter:

"President Pierce might not have sought a pretext for dismissing Elmore on account of his extra-judicial investments, as it was self-evident that a person who could not decide a case when the clearest evidence was given, whether a convicted robber should return stolen goods or retain them, was hardly qualified for a seat on the supreme bench of the territory."

On reading this statement Elmore was greatly incensed. Various statements have been made of what followed. These differ in detail but agree in essentials. It appears that Elmore met Kagi in Tecumseh as he was going up the courthouse steps, and said to him:

"Are you the man who writes over the signature 'K'?"

On being answered in the affirmative, he struck Kagi over the head with a loaded cane, knocking him down. Half blinded by the blow, with blood streaming down his face, Kagi leaped to his feet, drew his revolver and pursued Elmore around a pillar of the courthouse. Elmore also drew a revolver and fired at Kagi. The ball struck a heavy notebook in his breast pocket and glanced aside. Kagi then shot the judge in the groin, and it is said that he carried the ball to his grave. Other shots were fired and it was thought at first that both men would die. Friends of Kagi took him to Topeka, where he very soon sufficiently recovered to publish in the Kansas Tribune of February 2, 1857, a scathing "card" to Elmore.

This episode illustrates the spirit of the antagonism then prevailing in the territory. Kagi was more than a voice of "bleeding Kansas"; he was a part of it.

All this occurred before Kagi joined John Brown. In the autumn

of this year he enlisted with the John Brown party which went to Springdale, Iowa, to Chatham, Canada, back to Southern Kansas, and "thence to Pennsylvania, Maryland, Virginia and death." Of all the band he had in largest measure the confidence of the leader.

On September 23, 1858, he wrote a letter to his sister in which he said, among other things: "Few of my age have toiled harder or suffered more in the cause than I, yet I regret nothing that I have done, nor am I in any discouragement at the future. It is bright and good, and treads on to meet the hopeful with rapid strides."

In a letter written September 24, 1859, he said:

"Things could not be more cheerful and certain of success than they are. We have worked hard and suffered much, but the hardest is done now, and a glorious success is in sight. * * * I will write soon after we commence work. When you write, give me all the news—for I shall hereafter have only three correspondents in all—Mr. Dana (Charles A., the managing editor) of the Tribune, and Mr. William A. Phillips of Lawrence (Kansas), so that I shall look to you for all news about our friends and acquaintances. * * * Don't imagine dangers. All will be well."

This was written less than a month before the Harper's Ferry raid. Kagi's part in this tragic event is briefly told. In the early morning of October 17, 1859, the day following the attack on the town, Kagi urged John Brown to evacuate the place while this could still be done with some hope of escape. Brown disregarded the advice, and Kagi in true soldier fashion continued to give battle to the last. He and two other raiders were driven to the Shenandoah River. They attempted to reach a flat rock in the midst of the stream. A storm of bullets followed them, and Kagi disappeared without a struggle beneath the waves of the river which flowed by the Virginia home in which his ancestors were born.

CHAPTER V

THE TEMPERANCE MOVEMENT IN OHIO

Prior to 1893

From the establishment of the first permanent white settlement at Marietta to the present time, the traffic in intoxicating liquors has claimed the attention of those citizens of the Northwest Territory and Ohio who were impressed with the evils arising therefrom. Evidence of this fact is found in official and legislative acts, petitions, and the declarations of temperance organizations. In the following summary reference is made to some of the more important of these. Under the administrations of the governors of Ohio and in the constitutional evolution of the state, presented elsewhere in this work, will also be found information relating to the temperance movement of this and subsequent periods.

1787. Maj. John F. Hamtramck, commandant of Post Vincennes, Northwest Territory, issued a proclamation dated October 3d, forbidding the sale of liquor to the Indians.

September 6, 1788. Act adopted by governor and judges was the first law in Northwest Territory relating to intoxicating liquors, and also contained the first "Sunday law." It provided a fine for any person convicted of drunkenness.

July 19, 1790. Second liquor law of the Territory, confirming action of Major Hamtramck in forbidding sale of liquor to Indians. An act, also passed at Vincennes the following day, prohibited by severe penalties the sale of spirituous liquors to non-commissioned soldiers of the Northwest Territory, within ten miles of any encampment, post, fort or garrison, or hospital. Both these acts were repealed July 14, 1795, being superseded by an act of Congress.

August 1, 1792. An act, called the first liquor license law, provided for appointment of commissioners in each county with authority to grant licenses to tavern keepers and other retail dealers in spirituous liquors.

June 17, 1795. A substitute act for the preceding was adopted for the purpose of "preventing disorders and the mischiefs that may happen by multiplicity of public houses of entertainment." This law was repealed by the Territorial Legislature December 6, 1800, in "an act to establish and regulate taverns and public houses of entertainment."

1797. The chief of the Miami Indians, Mechecunnaqua, or Little Turtle, begins an agitation for relief from the whiskey peddlers. He visited Philadelphia and petitioned President John Adams for the abolition of the liquor traffic among the Indians.

1799. In "an act for the prevention of vice and immorality" passed December 2, penalties are provided for intoxication and drunkenness.

The act of December 6th forbade the sale of spirituous liquors at the Moravian towns of Schoenbrunn, Gnaddenhutten and Salem.

1801. President Jefferson wrote letters to the Ohio Legislature asking it to enact legislation prohibiting the selling of intoxicants to Indians. This was in response to a plea from Chief Little Turtle. The Baltimore yearly meeting of Friends in 1801, after hearing the pathetic appeal of Little Turtle, sent to Congress a copy of the chief's address in behalf of his people. This was perhaps the first action of the church to bring the force of opinion in behalf of temperance to bear outside of its own membership. In the same year, William Henry Harrison, gov-

ernor of Indiana Territory, in a report to the secretary of war, dealt with the outrages and atrocities committed in the Indian country on account of liquor selling.

1805. A remarkable total abstinence campaign was carried on among the Indians by the Shawnee chief, "The Prophet." In a meeting of Shawnees, Wyandots and Senecas at Wapakoneta, Ohio, he announced to the Indians that he had received a revelation warning him to denounce certain evil practices among the Indians, and especially fire-water. His influence on the Indians was so strong that intoxication became practically unknown among the Western tribes for a number of years. Governor Harrison of Indiana Territory, in his message to the first Legislature, July 29th, strongly recommended the prohibition of liquor selling to the Indians. Later, the act of February 11, 1809, passed by the Ohio General Assembly, prohibited by severe penalties the sale of liquors to the Indians without approval by the proper authority.

The act of Feruary 1, 1805, provided methods of granting licenses to tavern keepers and liquor dealers, fixing penalties of fine or revocation where drunkenness or other disorder was permitted by the tavern keeper. Reenactment or revision of this act was made by laws dated February 8, 1810, January 5, 1819, February 25, 1820, February 6, 1824, January 28, 1829, March 3, 1831.

The act of February 14, 1805, provided penalties for intoxicated persons who were disturbers of the peace at any tavern, court, election or other meeting of citizens.

The sale of liquor within a mile of the place designated for any religious meeting was prohibited by the act of January 25, 1810. A similar law was passed March 26, 1841, probably designed to protect camp meetings from liquor dealers who found it profitable to set up in business near by, since the act did not apply to tavern keepers at their usual place of business.

The act of February 8, 1815, for the first time prohibited the sale of liquors on Sunday.

What was known as the "dry license" law was passed February 25, 1833, by which a license might be granted to the keeper of a tavern without authority to retail spirituous liquors. But the act of February 24, 1834, said, in effect, that a tavern without liquor for sale was, in the meaning of the act, not a tavern. The act of March 15, 1839, confined the sale of liquors to the common bar of the tavern, and nowhere else on the premises.

Growth of Temperance Organizations

Within a year after the organization of the American Temperance Society in 1826, local auxiliaries had been formed in a number of states, including Ohio with one such society. The first woman's temperance society was organized in Ohio in 1828. Ohio had thirty temperance societies in 1829. The Seneca chiefs of Ohio in 1829 petitioned the President, asking for the removal of their people to the West. Among other reasons they expressed the hope that thereby they would be out of reach of the white man's strong drink. A state temperance convention was held at Columbus in 1833, and in the same year the Ohio conference of the African M. E. Church went on record in favor of temperance societies, which the conference declared to be especially important to the colored people. Among temperance newspapers published in the United States in 1839, one was the Western Temperance Journal at Cincinnati. The Washingtonian Temperance Movement was inaugurated at Baltimore in 1840, and 60,000 signers of the pledge were reported in Ohio. In 1842 Calvary Morris of Athens County became one of the vice presidents of the Congressional Temperance Society. He represented his district three terms in Congress, and also served in both branches of the Ohio General Assembly.

Under the Constitution of 1851

An act passed February 8, 1847, but repealed February 2, 1848, represented the first application of the principle of "local option." The ten counties to which the act applied were Cuyahoga, Delaware, Trumbull, Mahoning, Franklin, Geauga, Lake, Ashtabula, Preble and Marion. A majority of voters in any township of these counties could declare for "no license."

"No license" to the liquor traffic was extended throughout the state by the amendment of the constitution in 1851. However, this provision of the constitution was never enforced, as the friends of the temperance cause had hoped it would be. In later years the General Assembly placed a tax upon the traffic, which prohibitionists insisted was, in effect, a license fee. Some of the acts to carry this provision of the constitution into effect are noted as follows:

Act of May 1, 1854, making it unlawful to sell intoxicating liquors to be drunk in, upon or about the premises where sold. Additional restrictions were placed in the liquor tax law in 1866 and 1877. The Adair liquor law was passed April 18, 1870, amending the act of 1854 and making the liquor sellers and owners of premises jointly responsible for injury caused by liquor. The "Pond law" of April 5, 1882, was an attempt to impose a tax on liquor sellers, but it was declared unconstitutional. On April 17, 1883, was passed the "Scott law," another measure for taxing the liquor traffic. On the same date, the law making it an offense to sell intoxicating liquors to be drunk at the place where sold, was repealed. The "Dow law," passed May 14, 1886, the third measure assessing the business of dealing in intoxicating liquors, was the first to stand the test of constitutional validity, and with subsequent amendments remained on the statute books for many years.

The Rise of Militant Temperance Organizations

In 1855 representatives of ten grand lodges of the Independent Order of Good Templars met at Cleveland and created the Right Worthy Grand Lodge as the supreme head of the order. At Cleveland in 1868 was held the National Temperance Convention.

On July 24, 1869, at Mansfield, Ohio, there was formed a state prohibition party which nominated a ticket. This was the first such active party organization, although a party under the same name had been organized in Illinois in 1867 and a similar party had been organized in Michigan the same year. Neither the Illinois nor the Michigan parties, however, had gone so far as to place a ticket in the field.

The Woman's Crusade has been generally recognized as having started in Hillsboro, Ohio, on December 24, 1873. It was the direct result of a meeting held in Hillsboro and addressed by Dr. Dio Lewis on the night of December 23d. Doctor Lewis, then on the lecture platform, had spoken in Hillsboro the night before and had been persuaded to stay for a second address in which he told of the unsuccessful effort of his mother and some of her friends to get rid of the saloons in their community by prayer and visitation. His story appealed to the women of Hillsboro, who decided to attempt such a movement, and the following day saw the Christian women of that village, headed by Mother Thompson, begin what was destined to sweep the country as a mighty moral crusade, and out of which was to spring in the following year the Woman's Christian Temperance Union.

A few days before, after addresses by Doctor Lewis, similar movements had been undertaken in New York, but the principal point of difference between these efforts in New York and the one at Hillsboro, was that the initial New York crusade did not succeed in closing the saloons in Fredonia and Jamestown, while the Hillsboro movement did succeed in a most remarkable manner. The crusade rapidly spread into

other towns and cities in Ohio and later into the cities and towns of other states.

From the time of the birth of the Woman's Christian Temperance Union at the convention in Cleveland in 1874 until the presidential campaign of 1880, the society was a non-partisan organization. There had been no connection whatsoever between the union and the prohibition party. The women, however, had been led to believe that the presidential candidate on the republican ticket in 1880, James A. Garfield, was a true friend of the temperance cause. After the election and inauguration, however, Miss Willard called upon the President at the White House. The reception which Miss Willard received on that occasion led her to believe that neither the President nor the party which he represented were vitally interested in the prohibition movement.

A resolution to submit a prohibitory amendment was defeated in the Ohio Legislature in 1882, but was passed in 1883 and the same was submitted to the voters of the state during the same year, along with another constitutional amendment providing for license, the no-license provision of the constitution adopted in 1851 still being in force. Accordingly at the general election in Ohio in the fall of 1883 the people had an opportunity to express themselves both ways, with the result that the license amendment was lost by almost 100,000 majority, while the prohibitory amendment received 323,189 votes in favor and 240,975 against its adoption. But both amendments failed to pass by reason of the provision which required a majority of all votes cast at the election.

Mrs. Lucy Webb Hayes, as "the first lady of the land," made an important contribution to the temperance movement by banishing intoxicating liquors from the White House in 1878 and keeping them from the White House table during the four years of the Hayes administration.

The first national convention of the prohibition party was held in Columbus in 1872. James Black of Pennsylvania was nominated for President and John Russell of Michigan for Vice President. The second national convention of the party was held in Cleveland in 1876, Clay Green Smith of Kentucky being nominated for President and Gideon T. Stewart of Ohio for Vice President. Cleveland was also the place of meeting of the third national convention, in 1880, when Neal Dow of Maine was nominated for President and H. A. Thompson of Ohio for Vice President.

In the meantime, during 1874, the woman's crusade against the saloons of Southern Ohio had continued. The woman crusaders at Washington Court House, on the coldest day of the winter, being locked out of a saloon they attempted to enter, stood all day on the street holding religious services. The next day they built a "tabernacle" in the street in front of the saloon and continued their "watching and praying." Before night the sheriff closed the saloon.

On February 22, 1881, President Hayes issued an order "to prevent the sale of intoxicating liquors as a beverage, at the camps, forts and other posts of the army." As a memorial to her stand on the temperance question, especially in the White House, and at the suggestion of President Frederick Merrick of the Ohio Wesleyan University, Miss Frances E. Willard presented a picture of Mrs. Lucy Webb Hayes to be hung in the East Room of the White House. The picture was received by President Garfield on March 5, the day after his inauguration.

A general convention of the Disciples of Christ at Cincinnati in 1878 had declared unequivocally for the banishment of intemperance. In 1884 the general synod of the German Reform Church at Tiffin denounced "especially the monster evil, intemperance." And in the same year the Church of God urged legal prohibition of the liquor

traffic everywhere. The Ohio yearly meeting of Friends in 1885 declared for total abstinence and prohibition.

In 1888 the Legislature passed a township local option law. This was forty years after the passage of the first law of that kind, which as already stated was soon repealed. At the same General Assembly was passed a Sunday closing law.

Anti-Saloon League

In the Spear Library of Oberlin College, May 24, 1893, in the presence of a small company gathered to discuss methods of combatting the liquor traffic, Dr. Howard H. Russell expressed the essential ideas and purposes of the movement which historically had its inception at that time and place, and which has been known as the Anti-Saloon League.

Many years later, when the league had come to exert influence in every state of the Nation, the late P. A. Baker wrote out a statement in which he said: "The Anti-Saloon League is not, strictly speaking, an organization. It is what its name indicates—a League. It is a league of organizations. It is the federated church in action against the saloon. Its agents are of the church, and under all circumstances loyal to the church. It has no interest apart from the church. It goes just as fast and just as far as the public sentiment of the church will permit. It has not come simply to build a little local sentiment, or to secure the passage of a few laws, nor yet to vote the saloons from a few hundred towns. These are mere incidents in its progress. It has come to solve the liquor problem."

This statement seems to furnish at least a partial explanation of the extraordinary success and influence of the Anti-Saloon League. Its program was definite, yet indefinite, a combination of the visionary with the practical, flexible yet tenacious, accepting defeat or victory as matter of routine. The criticism has been made of American political parties that they are organizations surviving after the fulfillment of their original functions. In setting as its goal the solution of the liquor problem, the Anti-Saloon League, for all that has been accomplished in thirty years, must for a long time remain an effective fighting organization.

Following the meeting in the college library, the Ohio Anti-Saloon League was formally launched on Sunday, June 4, 1893, at a union mass meeting in the old First Congregational Church at Oberlin. This was the first successful attempt at a permanent organization of this kind. But other attempts had been made. Doctor Russell himself had urged the adoption of his plan at Indianapolis nearly ten years earlier, and in 1888 had used methods, afterwards made familiar in league campaigns, to secure from the Ohio Legislature the passage of a township local option law. In 1890 he had launched an anti-saloon league in Missouri, and in 1892 some men in Massachusetts organized a league. Of more importance was the organization by Bishop Luther B. Wilson of the Anti-Saloon League of the District of Columbia, upon practically the same lines followed by the Ohio League. This was effected, without knowledge of what had been done in Ohio, on June 23, 1893, only a few weeks after the events in Oberlin.

It was the District of Columbia organization that took the initiative in calling a national convention. Such a convention met in Washington and on December 18, 1895, the American Anti-Saloon League was formed by the coalition of the Anti-Saloon League of the District of Columbia, the Anti-Saloon League of Ohio and forty-five other state, national and local temperance organizations. Dr. Howard H. Russell, superintendent of the Ohio League, was chosen national superintendent. The Ohio League plan was formally adopted as the plan

for the national movement, and the nation-wide anti-saloon crusade was under way.

The first three years of the league's history has been termed the struggle for existence. But for the timely financial assistance of such men as E. W. Metcalf of Elyria and A. I. Root of Medina, and but for the sacrificing spirit of Doctor Russell and his loyal family, the Anti-Saloon League might have experienced the same fate as its predecessors. By 1899 there were twenty-one states and territories where branches of the League had been organized. In fact, the history of the first decade of the League movement is concerned with the installation of League organizations in the several states and the creation of machinery for educating public sentiment to the enactment and enforcement of law.

In Ohio the first tangible results claimed by the League forces was a reduction in the number of retail liquor establishments, whereas before 1893 the number had been increasing. In 1900 the Clark local option bill passed the House, but failed in the Senate by a vote of fifteen to sixteen. Then in 1902 was passed the Beal law, providing local option in incorporated villages and cities. As told elsewhere, one of the outstanding features of Governor Herrick's administration was the passage in 1904 of the Brannock residence district local option bill. The League forces claimed that this measure had been amended to a point where it was worthless. A signal victory for the League was claimed in the election of 1905 when Governor Herrick, alone of the republican candidates, was defeated, the successful candidate being John M. Pattison, a supporter of the Anti-Saloon League. During 1906 the Legislature passed the Jones residence district remonstrance law and the search and seizure law. Many townships, municipalities and residence districts "went dry," and in Columbus and several other cities saloon were compelled to close their doors on Sundays. It will be recalled that the rapid progress of prohibition within the next year or two resulted in some of the first "state-wide" laws, Alabama being the first of the several states to ban saloons altogether.

The Rose law, a county option measure, went into effect in Ohio September 1, 1908, and by the end of the year fifty-seven counties of the state had voted "dry." However, in the fall of the same year Governor Harris was defeated for reelection, and during the next two or three years alternating defeats and victories came to the League forces in Ohio as in other states. One incident that excited nation-wide interest at the time, is thus described by the League historian:

Carl Etherington, a special enforcement officer, who, with other officers, armed with search and seizure warrants, raided a number of blind tigers in Newark, Ohio, and who was finally compelled in self-defense to shoot a speakeasy keeper who murderously assaulted him, was taken from the county jail by a drunken mob and lynched on the public square of Newark. The mayor of Newark and the sheriff of Licking County, who failed to protect Special Officer Etherington, were compelled to resign their offices to avoid being removed by the governor; and the county grand jury promptly returned fifty-eight indictments against the Etherington murders."

A full discussion of the license provisions in the Constitution of 1912 is to be found in the chapter on the Constitution. It was claimed by the League that the license provision was adopted in the new Constitution by virtue of the fact that between 600,000 and 800,000 voters did not vote on the question at all, and that while the Legislature of 1913 passed a license law, the temperance forces succeeded in safeguarding all the anti-liquor laws on the statute books, and in addition forced into the new license statute between thirty and forty stringent restrictions against the liquor traffic in license cities and villages.

Prior to national prohibition, the greatest single victory counted by the prohibition forces was the passage of the Webb-Kenyon bill in

the closing days of the Sixty-second Congress, prohibiting the shipment in interstate commerce of liquors into dry territory. A fact of special interest for Ohioans is that this bill was passed over President Taft's veto.

For an account of the history of the last decade, use must be made of material found in the Anti-Saloon League year book of 1925, compiled by Mr. E. H. Cherrington.

The election of November 3, 1914, brought to the voters of Ohio a new problem. There was no reversal of temperance sentiment, but simply an application of sentiment to a new unit of government, viz., the state.

Before the change in the Constitution making direct legislation the policy of Ohio, laws were secured through the General Assembly. Hamilton County, including Cincinnati, would send twelve or fourteen members to that body. A county like Medina or Carroll would send one member. Fourteen counties like these would offset the wet vote of Hamilton County to the Legislature. The temperance sentiment in over sixty counties in the state would send men to the General Assembly who voted right on the temperance question. Consequently, local option and temperance laws could be enacted.

The people in a majority of the counties applied these laws. In this way forty-five counties were kept in the dry column and a large number of municipalities and townships were made dry, so that a little over 85 per cent of the territory of the state was free from the saloon.

The people of Ohio adopted the initiative and referendum as the policy of government and the state became the legislative unit and the individual voter in a degree took the place of the General Assembly. The liquor interests realized this would give them an advantage in massing the heavy wet vote in the cities against the more sparsely settled districts and smaller cities and villages. The large cities did not have the advantage of the moral uplift, which comes from many campaigns on this issue. The townships, villages and smaller cities had gone through these campaigns for more than ten years. The educational effect was good, even in the counties which were unable to abolish the saloon. The large cities had their moral standards steadily pulled down to a lower level by the deadening influence of the liquor traffic.

Before the vote in 1914, counting all the dry territory and a reasonable estimate of the wet territory, Ohio did not have more than 400,000 votes in the state for prohibition. On November 3, seventy counties out of eighty-eight voted for state prohibition; eighteen counties against it. Seventy-nine counties voted against the home rule amendment; nine voted for it. Heretofore sixty-three counties marked the high tide of dry sentiment in the state. Basing the estimate on the 1910 census, the seventy counties voting for prohibition had a population of 2,500,000; the eighteen counties voting against prohibition had but 2,200,000. The seventy-nine counties voting against home rule had 3,100,000 people; the nine counties voting for home rule had 1,600,000 people.

It is clearly seen from the above that by counties the state was overwhelmingly for prohibition and against the home rule amendment. But when the new policy of government was put in operation, Cincinnati put up 75,000 of a wet majority. Fourteen dry counties could not offset this, as had been done in the Legislature. It required more than forty dry counties in the state to offset Cincinnati's wet vote, as recorded by an illegal count.

The adoption of the home rule amendment in the 1914 election repealed the county option law, and as a result saloons gradually crept back into quite a number of the county seats and cities which had been dry under the county law. The liquor interests expected to open at least 2,000 additional saloons in the dry counties of the state. During

the year 1915, however, only about 800 new saloons were put into operation.

The prohibition forces initiated a second state-wide prohibition amendment which was voted on at the election in November, 1915. The liquor forces initiated a so-called Stability League amendment. This Stability League amendment provided against the voting on constitutional amendments twice defeated for a period of six years from the date of the adoption of the new Constitution in 1912. The prohibition amendment was again defeated but the majority against prohibition was 55,408 as compared with 84,152 in 1914. The brewers' Stability League amendment, moreover, was defeated by a majority of 64,891.

In the 1914 election seventy of the eighty-eight counties voted for prohibition. In the 1915 election seventy-three counties voted for prohibition. Only one license county, Sandusky, increased its anti-prohibition majority of 1915 over the record of 1914, while forty no-license counties increased their dry majorities over the record of 1914. In Cuyahoga County, which includes the City of Cleveland, the wet vote decreased 3,172 under the record of 1914, while the dry vote increased 3,264 over the record of 1914. In Hamilton County, which includes the City of Cincinnati, the 1915 record as compared with the record of 1914 shows a decrease in the wet vote of 4,062 and an increase in the dry vote of 3,190. Outside of Hamilton County the state prohibition amendment swept Ohio by a majority of 13,037.

The third state-wide prohibition election was held November 6, 1917. The drys polled 522,590 votes, and the wets 523,727. The wet majority was only 1,137 as against 55,408 in 1915.

In the 1917 election, the drys carried seventy-six of the eighty-eight counties. They carried the capital city of Columbus, and such industrial centers as Akron, Youngstown, Canton and Lima. Outside of Hamilton County, the state went dry by more than 55,000 majority.

A constitutional amendment providing for state-wide prohibition was adopted by a vote of the people on November 5, 1918. The result of the vote was: For prohibition, 463,654; against prohibition, 437,895; dry majority, 25,759. Of the eighty-eight counties in the state, all but nine gave dry majorities.

The state dry amendment became operative on the 27th of May, 1919. The liquor interests petitioned for a referendum for the repeal of the state-wide prohibition amendment, and the vote was taken on November 4, 1919. The voters affirmed their position of the year previous and gave a majority of 41,855 against repeal. At this election the drys cast 496,786 votes and the wets 454,933 votes.

At the November election in 1919, Ohio also defeated an amendment initiated by the wets providing for the manufacture and sale of 2.75 per cent liquor. The majority against this proposition was 29,781. On this proposal the drys cast 504,688 votes and the wets 474,907.

The 1919 session of the Ohio Legislature passed a law providing for the enforcement of the state-wide prohibition amendment, but failed to attach to it an emergency clause. Under the provisions of the initiative and referendum law of the state, this suspends the operation of the law for ninety days, unless a sufficient number of signatures to a petition for a referendum is secured. The wets petitioned for such a referendum and the voters passed on the law at the election in November, 1919, and refused to sustain the Legislature in enacting the measure. The majority against the law was 26,734. On this proposition the wets cast 500,812 votes and the drys 474,078 votes.

The Ohio Legislature ratified the National Prohibition Amendment, both Houses taking action January 7, 1919. In the Senate the vote was twenty to twelve, and in the House eighty-five to thirty. Ohio was the seventeenth state to ratify.

At the meeting of the Legislature, January, 1920, a law was enacted

for the enforcement of the state-wide prohibition amendment. This measure received ninty-one votes in the lower House to twenty-three against. In the Senate the vote was twenty-five for the measure and seven against. The wets brought a referendum on this enforcement law, and the voters ratified the measure by a vote of 1,062,474 to 772,-329 against, a victory for dry law enforcement by a majority of 290,-149. This was the first general election at which the women voted after being enfranchised by the Nineteenth Amendment to the Federal Constitution.

The liquor interests in 1922 initiated a constitutional amendment which would allow 2.75 beer and light wines for home consumption, and which would have nullified existing prohibitory legislation. The Secretary of State refused to place the measure on the ballot, and suit was brought to decide the question. The Supreme Court held that courts may not pass on the validity of proposed laws or constitutional amendments before their adoption. The question was accordingly placed on the ballot, and was defeated at the election in November, by a majority of 189,472, the vote being 719,505 for the amendment to 908,522 against it.

The Legislature which met in January, 1921, enacted several laws for the better enforcement of prohibition. The most important was a law establishing a State Bureau of Enforcement. Under this act there was appointed a commissioner of prohibition together with a deputy commissioner, and not to exceed twenty regular inspectors. The law also provides for appointment of other inspectors as emergency men. This enforcement bureau is active in running down liquor law violators, and also in placing those convicted of keeping a place where liquor is sold in violation of law on the duplicate for the Aikin tax of $1,000 with penalties. This tax is separate and apart from whatever fine may be assessed by the courts. In the first six months of the operation of this bureau, sufficient fines were paid into the state treasury to bear the expenses of the department for two years. Under the law one-half of the fines collected go to the state and the other to local subdivisions.

Another law provides that the judge, or judges, may authorize the expenditure of additional funds by the prosecuting attorney for the promotion of the administration of justice, such funds not to be in excess of $10,000 in any one year.

Another law gives justices of the peace jurisdiction coextensive with the county when affidavits are filed charging violation of the dry law. This measure also gives the probate and common pleas judges authority to issue search warrants.

What is known as the McCoy law passed by the Legislature in the spring of 1921 prohibits the prescribing of beer by physicians for medicinal use.

The Boylan measure, also passed at the same session of the Legislature, permits the seizure and sale of conveyances unlawfully transporting intoxicating liquor.

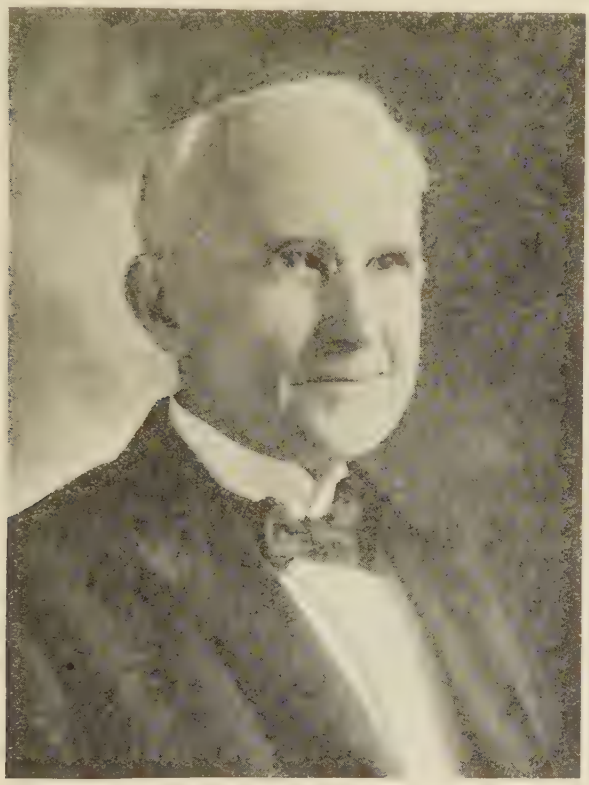
Another law enacted in 1921 is known as the Norwood law, and provides that any person found in a state of intoxication shall be fined not less than $5, nor more than $100. Under the old statutes of the state, the fine for intoxication was fixed at $5.

Yet another law enacted in the furtherance of the enforcement of prohibition is known as the Bender act, and prohibits the obstruction of the view of the interior of pool rooms, billiard parlors, and soft drink places, by screens, frosted windows, or anything else that may obscure the interior of the building from those who pass by on the street.

Another law enacted at the same session provides that whoever unlawfully sells, furnishes, or gives away wood alcohol, or any preparation or compound containing wood alcohol, to be used for beverage purposes, and death result therefrom, shall be guilty of murder.

The candidate for governor on the light wine and beer platform in the 1922 election was overwhelmingly defeated. He received 50,000 out of 500,000 votes cast, one vote in ten.

The Ohio Legislature in 1923 passed a measure which classifies as murder in the second degree the act of furnishing death-dealing liquor, makes the manufacture of distilled liquor a felony, the soliciting of orders for liquor a felony, and the solicitor equally guilty with the person selling it. The Legislature also adopted the Gordon bill, which supplements the Ohio nuisance act by adding the padlock provision of the Volstead law. This padlock provision is being used with telling effect throughout the state.



Dr. Howard H. Russell

The driest Legislature the state has ever seen was elected in November, 1924.

Nineteen of the twenty-two members of the Ohio delegation to Congress are dry.

Dr. Howard H. Russell, founder of the Ohio Anti-Saloon League, and its first superintendent became head of the national league at its inception in 1895 and carried on the work until 1903, when he resigned after having made the movement an active fighting force, representing the Christian people of all churches. Among the many men in the organization who might have qualified as his successor, it was with one mind that the delegates chose as the second national superintendent Dr. Purly A. Baker, who had been Doctor Russell's successor as superintendent of the Ohio League, and who for the remaining years of his life acted as national superintendent. Doctor Baker was an eloquent minister, an inspiring leader, an executive and organizer of rare ability. Doctor Russell was the man of vision, and Doctor Baker is regarded as the man who made realization of the promise and vision possible. The

third superintendent of the national League was Dr. F. Scott McBride, who was elected in 1924.

The home and headquarters of this movement, both in the state and nation, is the old college community of Westerville, a few miles northeast of Columbus. There in 1909 was established the publishing house of the League, under the name of the American Issue Publishing Company. It has been the Mecca if not the home of many of the men prominent as leaders in the movement. One of the men early enlisted in the fight by Doctor Russell was Wayne B. Wheeler, now in charge of the legal and legislative department of the League at Washington. It has been the remarkable experience of Dr. Howard H. Russell, still a resident of Westerville, to have seen a movement which he founded thirty-two years ago expand through state, nation and overseas and exercise a power of which neither its friends nor its enemies would have dreamed three decades ago. He is now associate general superintendent of the Anti-Saloon League and one of the four joint presidents of the World League Against Alcoholism, both of which organizations have offices in Westerville.

The successive superintendents of the Ohio Anti-Saloon League since its founding have been: Howard H. Russell, Purly A. Baker, Wayne B. Wheeler, James A. White, Rev. T. M. Hare and E. J. Moore.

While the Anti-Saloon League has always stressed its cause as a great moral movement and has addressed its appeal to the church and other temperance organizations, it has won its big battles by methods very similar to those employed by the dominant political parties. The leaders of the movement found the liquor traffic entrenched and able to command large sums of money to protect its interests. The Anti-Saloon League was able to collect an ample "war chest." It met cash with cash in waging aggressive campaigns. It built up strong organizations in every county of the state, took and kept a card index poll of electors and was remarkably successful in getting dry voters to the ballot box on election day. It pledged members of the general assembly and congressmen and maintained a trained lobby to see to it that the pledges were kept. It bombarded wavering legislators with letters and telegrams and often landed them on the temperance side of the fence. Its agents became past masters in the art of practical politics. Its methods were kept within legal limitations, but in heated campaigns they differed from those of a Quaker yearly meeting or a well regulated Sunday school.

The leaders of the league canvassed carefully the public sentiment of a community in the local option period of its operation and aimed to go as far as that sentiment would support its program. If it could not get a whole loaf it was willing to accept less. In this respect it differed from the organization that sought to make prohibition a political party issue. Its appeal was to the temperance sentiment of citizens of all parties. This gave it strength and soon made it a power in all parties.

If the movement for prohibition, local, state and national, sponsored and led by the Anti-Saloon League of America shall accomplish in large measure the social betterment confidently predicted and acclaimed by its friends, it will easily rank as the most beneficent reform achieved since the Civil war.

There are those, it is true, who do not admit that prohibition has passed the experimental stage—who insist that it does not prohibit. In proof of their contention they point to the prevalence of the illicit traffic in intoxicating liquors, arrests for drunkenness and the failure of a large force of state and national officers and their assistants to enforce prohibitory laws.

It must be admitted that the work of the friends of prohibition is not at an end. The liquor traffic has been outlawed, but in many sections of the United States it still exists. It resorts to evasions, subterfuge, and numberless devices to maintain a more or less precarious

existence. The mandate in the National Constitution against the traffic is still to be made effective in every part of the Republic. The friends of the prohibition movement have before them a great campaign of education and law enforcement. This is to be won only by the vigilance, courage and never lagging persistance that characterized the long fought battle to place the prohibitory amendment in the Constitution of the United States.

It must be remembered that this is a campaign against a custom and a privilege that dates back to earliest history. In the Northwest Territory and the states formed from it the evils of intemperance were early recognized and efforts were made to prevent the sale of intoxicants to

Dr. Purley A. Baker

the Indians. It is only within the memory of men now living that serious and systematic effort has been made to prohibit generally the manufacture and sale of alcoholic liquors as a beverage. To hundreds of thousands of people this is still regarded as an unwarranted invasion of their "personal liberty"—the abrogation of a right as sacredly theirs as if it had been specifically named in the Constitution. Such persons must be persuaded that the best interests of the state sometimes requires its citizens to surrender privileges and even "rights" for the good of all. Upon that principle laws that we cheerfully obey every day were based. Even natural and vested rights must yield to the general good. The building up of a stronger public opinion in favor of prohibition is naturally a slow process. An appreciation of that fact should encourage the friends of the temperance movement to patient and continued effort.

The prohibitory amendment to the Constitution of the United States seems to be secure. The enfranchisement of women assures that. A large majority of the great industrial enterprises of the country are against the traffic. The transportation and manufacturing interests

would not welcome the return of the saloon. The automobile has facilitated the illegal distribution of intoxicating liquors. It has also served as a solemn warning against the reestablishment of the traffic on the old-time basis. If intoxicants could be freely had on the principal streets of our cities, the auto traffic, it is believed, would multiply the tragedies, even now too common. There is a fear that a freer mixing of gasoline and alcohol would lead to disastrous results. Whether this fear is well founded or not, it has its influence.

If prohibition is still in its experimental stage in the United States, law enforcement alone is necessary to carry it to the goal of practical and permanent achievement. The results attained thus far assure the movement a prominent and distinctive place in the history of Ohio.

Already that movement has entered foreign lands. Ohioans will watch its progress with especial interest, for it received its most powerful initial impulse at Oberlin in the year 1895.

The following editorial statement in the American Review of Reviews for August, 1925, is interesting testimony from an unbiased source on what prohibition is accomplishing where its enforcement is beset with peculiar difficulties:

"The world at large is constantly informed that prohibition is a farce in New York City, and that crime and disorder are rampant. Much depends upon the ability to make reasonable comparisons. It is probably true that in many respects New York is more orderly and well behaved than any previous time within a hundred years. Those who assert that prohibition has not affected prevalent conditions in New York would seem to be incapable of noting the difference between noontime and midnight. No such marked change within a brief period has ever been known in any great metropolis in the history of the world. This remains true even when one admits all the facts regarding smuggling, bootlegging, lawbreaking in restaurants and resorts, and the rest. This is not to challenge the position of those who believe that national prohibition was an unwise and ill-judged policy. We are merely remarking that the closing up of the saloons of New York, most of which were vicious resorts, and the ending of certain other forms of prevalent disorder and vice, have had an amazing effect upon external conditions in New York.

"Fortunately, the destruction of the old saloon system seems to be a thing permanently accomplished in the United States. Nobody is demanding its return."

CHAPTER VI

THE WOMAN SUFFRAGE MOVEMENT IN OHIO

By Harriet Taylor Upton[1]

From the very beginning of the agitation of the question of woman suffrage to the end, Ohio stood well to the front. When the history and the philosophy of the movement is really written, Ohio will be credited with the second place, New York with the first. Ohio women began work in 1850 and ceased in 1920.

The first woman's rights convention was held at Seneca Falls, New York, in 1848. This was not called to consider political rights, as is now generally supposed, but property, church and economic rights. Then, women had no place in church government, married women could own no property and the economic world was not open to them. After much discussion and in the face of strong opposition at last, the clause for political rights was added largely because they wanted their bill of rights to possess a certain number of claims.

The second convention was held at Salem, this state, in 1850. There were valid reasons for choosing Salem. Many Quakers lived there—some of them Hicksites and all believers in liberty of conscience. Then Ohio was to have a constitutional convention and a chance was seen for omitting the word "male" from the new constitution. Little did women then dream that they would work, work hard, seventy years and the word "male" still be in the constitutional instrument.

The dates of the convention were April 19 and 20. Betsey Cowles was elected president and Caroline Stanton secretary. No man was allowed any part in the convention, not to sit on the platform, to speak from the floor or to vote. They tried but were ruled down.

All early conventions, whether of men or women, spent most of their time discussing and acting upon resolutions, and the Salem Convention was no exception. They passed twenty-two resolutions, memorialized the constitutional convention and prepared an open address to Ohio women.

Elizabeth J. Hauser in an article on "The Woman Suffrage Movement in Ohio" published in the Ohio Magazine in 1908 referring to this Salem meeting, says: "A lengthy and favorable report of this convention was published in the New York Tribune, other leading newspapers commenting upon it, and the proceedings in pamphlet form were widely distributed. Even from the old world came words of congratulation and sympathy. But it is not pleasant to record that the discussions in the constitutional convention occasioned by the Memorial above referred to

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[1]For eighteen years Mrs. Harriet Taylor Upton was president of the Ohio Suffrage Association. Her term of office extended over the last nine years of the existence of that organization when the work was especially arduous, and she had long been recognized as the leader of the movement in Ohio when triumph finally came. Not only was her service recognized in this state but in the Nation. She is an efficient organizer and a speaker of rare ability and persuasive power.

From 1885 to 1920 the Ohio Suffrage Association had six presidents: Mrs. Frances M. Casement, Painesville, 1885-1888; Mrs. Martha H. Elwell, Willoughby, 1888-1891; Mrs. Caroline McCullough Everhard, Massillon, 1891-1898; Mrs. Harriet Brown Stanton, Cincinnati, 1898-1899; Mrs. Harriet Taylor Upton, Warren, 1899-1908; and again, 1911-1920; Mrs. Pauline Steinem, Toledo, 1908-1911.

'were voted to be dropped from the records because they were so low and obscene.' "

Conventions were held in Akron, 1851; Massillon, 1852; Ravenna, 1853. The former was remembered by all the early suffragists because of the famous speech of Sojourner Truth, a colored woman who certainly was inspired, if such things be. It is a pity that her own people know so little of her. The reading of her speech, even at this late date, brings tears to the eyes.

The second was history making because the Ohio Woman's Rights Association was formed and the third because Mrs. Severance was authorized to prepare a memorial to the Legislature, which she did in 1854. It was ordered printed but was laid on the table. Ohio developed many women orators in the late '50s whose feelings had been stirred by the anti-slavery question. As the agitation grew, women forgot themselves and their cause and worked for the black man's freedom.

For nearly ten years Ohio women held annual conventions. In 1853 the fourth national convention was held in Cleveland, and in 1855 in Cincinnati.

The Civil war so occupied the attention of men and women that the woman suffrage agitation nearly ceased. Suffragists were told that when the negroes were placed politically they also would be placed. However, when negroes were about to be enfranchised, and women appealed to men to remember them, they were told that they must be patient a little longer, that this was the negro's hour and as soon as the black man was free their case was to be considered.

Women believed men then, but they lived to see every kind of a man in possession of the ballot—black, white, yellow and red—while they continued to be reckoned with as minors.

It was not strange that the women of the Seneca Falls meeting should have had a vision and thought the world would see the justice of their request, but that the women who for years that followed, with little or no encouragement, kept at the task passed all understanding.

In 1865 Ohio women reorganized and held meetings, but there are no known minutes or records of the same. The suffrage work throughout all the earlier years was done by the women of the northern part of the state. This was natural. They were the descendants of the Puritans and their abolition sympathies had strengthened, if possible, the love for freedom. Whereas the people in the southern part had the blood of the Virginia cavalier and inherited Southern sympathies. Northern Ohio women should not be boastful of themselves but be thankful for their inherited good fortune.

In 1885 Mrs. Rachel S. A. Janney called a meeting at Columbus. Judge Ezra B. Taylor of Warren, Ohio, was chosen president and Frances M. Casement of Painesville, vice president. Judge Taylor was not able to serve because of his duties as a representative in Congress. He was heartily in sympathy with the cause and it was he, as a member of the judiciary committee, who made the first favorable report on woman suffrage from the House of Representatives. Mrs. Casement assumed the duties of president and at the convention which was held next year in Painesville she was elected president. She served for three years and had the aid of her husband, Gen. Jack Casement. The idea that the early suffragists had the opposition of the members of their families is entirely erroneous.

The writer, who was associated for years with the leaders of the national and state associations, does not recall one case where such workers were not supported and upheld in their efforts. Susan B. Anthony used to say that she often felt very uncomfortable when people were praising her for her successes. She realized that from the very beginning she had had the moral support of her parents and her family and in later years her sister Mary worked almost as constantly as did she and received very little individual praise. What was true of her and

her work was also true of the younger women and their work. Suffragists who could put up with the jibes of the world could not stand it from their families and usually gave up rather than have to endure it. It was the happily situated woman who accomplished much for the cause.

To Mrs. Casement, Rosa L. Segur of Toledo and Elizabeth Coit of Columbus the reorganized suffragists owed much.

In addition to the conventions there were executive committee meetings held in Columbus to influence the Legislature. The records of these conferences and reports of field work show the history and the philosophy of the woman suffrage movement in Ohio.

In 1888 the Legislature was asked to submit to the voters an amendment giving full suffrage to women. This did not pass, neither did the municipal bill. In 1889 a resolution to submit a full suffrage amendment was defeated in the Senate—nineteen voting for, nine against—a three-fifths majority being required. In 1890 a similar resolution was introduced in the House, and fifty-four voted for, forty-seven against, not the required majority. In 1891 the legislative ears were closed entirely to suffragists. In 1892 and 1893 school suffrage bills were defeated. In 1894 a municipal suffrage bill was introduced but did not come out of committee. This year, however, school suffrage became a law. The school suffrage bill, known as the Wood bill, in 1892 was lost by seven votes. It was a House bill. It was reconsidered in the adjourned session of 1893 and lost by six votes. A bill was introduced in the House in 1894 but was defeated, ayes, forty-seven; nays, forty-three. Senator Clark was appealed to to introduce the same bill in the Senate, and it passed April 10th, by a vote of twenty-six ayes and nine nays. In the House on April 24th it was passed, receiving fifty-five ayes and twenty-six nays. It was possible for Ohio women to obtain school suffrage under the Constitution, for that instrument left all school matters with the Legislature.

In 1895 an attempt was made to have the law declared unconstitutional. Mrs. Earnhart of Columbus, wife of a senator, had registered and an attempt was made to strike her name from the registration list. The Board of Elections refused to do this and suit was brought. It was lost, as all judges of the Circuit Court of Franklin County concurred in the opinion that it could not be done. The case was appealed to the Supreme Court with the same result.

In The Anti-Slavery Bugle of April 13, 1850, appeared two calls, one addressed to the women of Ohio and asking them to attend a convention in the Town of Salem "to concert measures to secure to all persons the recognition of equal rights, and the extension of the privileges of government without distinction of sex or color," on "Friday the 19th day of April next"; the other call was for a meeting at Salem on the 20th of April, 1850 for the purpose of submitting to the state constitutional convention petitions for "equal suffrage to adults without regard to sex, color or condition." This was declared "the question most sacred to a free people." It seems that both calls were heeded and those interested in woman's rights met together on April 19-20, 1850. It is probably true that the meeting at Salem, Ohio, was the first one in the United States called for the specific purpose of advocating and organizing to secure universal suffrage.

After forty-four years of work the Ohio Suffrage Association at last had its first victory. It came at a time when there was little progress being made nationally and created a good deal of attention in the suffrage world. To Caroline McCullough Everhard, president, and Katharine B. Claypole, secretary, the most of the credit for the legislative success was due. They were remarkable women, supplementing each other to a large degree; they were able and intelligent.

Some Ohio suffragists opposed asking for partial suffrage. The fact that women were not allowed to have a voice in public affairs, it was thought, was a good talking point and probably ought to be held as a

weapon, the opposers reasoned. There was also a feeling that perhaps women would not vote in great numbers if given only partial suffrage and that fact might react against granting full suffrage. However, all rejoiced in the victory and it will never be known whether the granting of school suffrage helped or hindered.

Women voted in large numbers in some places, were elected to boards of education and did good work, often being officers of the board, as presidents and in a great number of cases, treasurers. Thirty thousand women voted at the first election, and in 1902 80 per cent of Cleveland women voted.

The writer as a girl interviewed a number of elderly men to ascertain whether or not men voted very generally when school elections were held apart from the regular elections, and although some of these men were interested greatly in politics, all of them admitted that they never bothered to vote at school elections. This did not prove much, because the number seen was small, but it did prove the claim of the suffragists that generally men and women acted the same, reasoned the same and ought to have equal chances. An advantage gained was that men got used to seeing women at the polls and did not talk so much either about their place being in the kitchen or their being contaminated if they went to the polls.

No one now denies the good effect of women on school boards. They have served in all capacities. In business affairs they have perhaps not rendered as great service as men, but on the other hand, because they have had no business entanglements they have been freer to vote as they really wished to do. Their experiences in the home have made their judgments invaluable in planning and building schoolhouses; they have specialized in heat and ventilation; they have been familiar with the text books and known of their shortcomings; they detect much easier than men shortcomings in the executive power and discipline of teachers. They know a good janitor the moment they enter the school building. In other words men from experience have better knowledge of some things and women of others, and the result is good. When women were first enfranchised in the Western states they took hold of the schools locally and otherwise. Wyoming at one time had the best system of schools of any state in the Union and there was a law that if any child could not go to school, that is, was too far removed from a schoolhouse, a teacher could go to him for three months. In many states a large number of women were county superintendents and in some they were and are state superintendents or commissioners, as they are called. Women have been state superintendents of school in Colorado almost continually since women became voters in that state.

However, all these good things for suffragists aroused the enemy, the liquor men, and from that time tab was kept on the suffragists and it was to the efforts of those engaged in the liquor traffic that Ohio never granted women full suffrage. There was a small group of well conditioned women who honestly believed that the granting of suffrage to women would lead to harm, but the results of their efforts were negligible. It was the different liquor organizations, sometimes one, sometimes others, sometimes all combined, with all the money they needed, that kept suffrage from women for so many years. In the campaign of 1914 the writer followed the man distributing campaign literature and picked up several bundles of literature, with the consent of the persons upon whose steps the documents were thrown and found that the liquor circular and the anti-suffrage literature were folded together. She has in her possession such a bundle which has never been unwrapped.

During all the years between the formation of the association in 1884 and the end, 1920, suffragists were continually asking for change of laws, generally being refused or disregarded, occasionally being successful. In 1894 married women were given the right to sue and be sued.

In 1898 they were given the right to be notary public. This law was soon declared unconstitutional, as notaries must be electors. Voting for school members apparently did not make them voters. 1887 married women obtained control of their own property. They could contract with their husbands or anyone else, could hold and dispose of real or personal porperty, dower was retained but courtesy abolished, except for a man married before 1887 and regarding property owned by his wife before that day. In 1893 it was made legal for married women to act as guardians and in 1894 as executors and administrators. However, even to this day the father is the legal guardian of the child and may by will choose a guardian for a child even if it is not born at the time of his death.

Other laws were amended or changed as time went on. These are mentioned here to show how long women struggled for betterment of laws and how meager was the result.

For years the suffragists tried to secure the passage of a law which would provide for women on boards of state institutions where women and children were confined. The result was always the same refusal, for they were told that such commissioners should be electors under the law. Finally the Federation of Woman's Clubs asked the Legislature to pass this law and they did. Whether there had been some way to get around the objection or whether the Legislature hated to back down to the suffragists or whether they considered the federation a stronger and more consequential body is not known. The truth was that many women belonged to both organizations.

In 1904 and 1905 the State Legislature was asked to submit an amendment to the constitution granting full suffrage, but the resolution did not come out of a committee. 1908 such a resolution was reported out, but did not come to a vote. 1910 came out, but was defeated on the floor. In 1912, January 22, suffragists appealed to the constitutional convention for the insertion of a suffrage clause in the new constitution. In 1851 women memorialized the constitutional convention with the result already mentioned. In 1873 they did the same. The latter convention did agree upon a school suffrage clause, but the constitution was so little understood by the people that it was lost. The women of 1912 had no idea of writing a ladylike note to the convention. They knew law makers and politicians pay little attention to notes. As soon as the matter of having a convention was decided upon they began looking over the candidates and wherever possible threw their influence towards the men of newer ideas; these were largely the young men.

They went to Columbus when the convention met and a committee stayed there most of the time until the end. The moment a chairman of the convention was appointed they telegraphed him naming the men they wished appointed on the suffrage committee. The request was immediately granted. If they had waited until the scramble for committee place had begun, they might not have gotten so choice and faithful a committee. On February 14 a favorable report was made by a vote of 20 to 1. It could hardly have been otherwise, because of women's request for appointment of suffragists. (The press referred to this report as Ohio's suffrage valentine.) It was adopted by a vote of 76 to 34. If accepted by the voters it would eliminate the words "white male" from Section 1, Article V of the constitution. Our enemies secured the submission of a separate amendment eliminating the word "white." This was done to alienate the negro vote from the suffrage amendment. Negroes were told that it was a shame that they should "be tied to women's apron strings." Of course, no help was given the negro from their professed friends and their amendment was lost.

The old constitution was not rewritten, but amendments were added to it and these were submitted to the people. The suffrage amendment was No. 23 and at that time this number was considered unlucky. The

most illiterate could be counted upon to vote against 23. The constitution was finished on May 31 and the special election was set for September 3. Three months of vigorous campaign followed. The German-American Alliance and the Personal Liberty League, two associations representing the liquor interests, fought it in the field as it had done in the convention. It was estimated that the suffragists spent $40,000 and it was learned that the liquor interests first appropriated $500,000 and later added $130,000 to defeat the suffrage amendment. The chief work of the suffragists was done in cities, although women spoke at picnics, county fairs, family reunions, circuses, beaches, institutes, labor meetings, country stores, schoolhouses and cross roads. More than fifty workers came from states near and far, the larger number from the eastern states. They gave remarkable service and received no financial recompense. Many made contributions of money in addition. In August an impressive suffrage parade of 5,000 took place in Columbus. A supreme judge told the writer that for years he had watched the movements of the suffragists with little or no sympathy, but when he saw that procession he became converted to them and their cause.

After election the president of the German-American Alliance at Youngstown openly boasted that his organization defeated the amendment. It advertised everywhere by posters and in street cars and had no voluntary workers. It was evident that huge sums were being spent, how much no one will ever really know. The amendment was lost by a majority of 87,455. Voting for it, 249,420; against, 336,875. Only twenty-four out of eighty-eight counties carried and but one congressional district, the eighteenth.

The suffragists hoped and many expected to win. They were not downhearted at defeat. The initiative and referendum had carried and they determined early in 1913 to circulate an initiative petition. Such a petition required 130,000 names. The law was new and there was much uncertainty about it, so that the suffragists met with many delays and rebuffs and it was not until March, 1914, that the petition was ready. Who but women fighting for their freedom would have had courage to go on? There was no money to pay circulators, all work had to be voluntary. Over 2,000 women circulated these petitions. To secure the names of 130,000 people with their addresses, have the petitions acknowledged before a proper official, was no small task.

On July 30 the petition with 131,271 names was filed with the secretary of state. The "History of Woman Suffrage" by Harper says: "A petition was secured in every county, although the law requires them from a majority only and each was presented by a worker from that county. The sight of scores of men and women ladened with petitions marching up to the state house to deposit them brought tears to the eyes of some of the onlookers."

The workers made a pilgrimage to Salem in memory of the first convention and in the same meeting house where women had met sixty-four years before; they spoke and readopted the resolution of 1850 before a packed and enthusiastic audience. At the first convention men's presence was not desired. In 1914 men and women worked together and in entire sympathy.

All summer women worked in the heat and under most trying circumstances. "They" followed party speakers, taking their audiences before and after meetings. State conventions of all sorts were appealed to and many gave endorsements, those of republicans and democrats refusing. Groups of workers would visit a county separately and canvass all the towns and then, to keep up their courage, return to the county seat at night and compare notes. Street meetings and noon meetings for working people were held. Women spoke from church steps in the darkness, as men who had worked all day in the field and had not the energy nor inclination to dress for an indoor meeting stretched themselves on the grass in their labor-stained clothes. To

talk into darkness with no response from the audience was one of the hardest acts of the campaign.

The amendment was lost at the November election; 853,685 voted against, 518,295 for. The majority against was 182,905.

There were gains in every county, though only 14 carried, whereas in 1912 24 carried. In 1912 the enghteenth congressional district was the only one carrying; in 1914 the nineteenth district carried.

The suffragists knew after these two campaigns that there would never be any use of trying to carry an amendment as long as the liquor question was unsettled. It was a fight to the death on their part and they had ammunition of all kinds.

The constitutional convention had provided for home rule for cities and the suffragists saw a chance of entering a wedge there. The men who framed this amendment said that it was not the intention of the amendment to provide for woman suffrage, although they were suffragists and had helped in all campaigns. The suffragists were students, they knew that things had been read into constitutions which the framers had never dreamed of; so when East Cleveland decided to submit a charter to the voters, the suffragists decided to ask for suffrage in municipal affairs and on June 6 the charter, with this amendment, was adopted. Litigation followed. The suffragists defended their charter rights and won. East Cleveland was therefore the first Ohio city in which women voted for anything beyond school suffrage. In 1917 Lakewood, a city adjoining Cleveland on the west, gave its women suffrage under charter. Columbus put on a like campaign in the heat of the summer of 1917, and after a great fight won a decisive victory.

Earlier the question of allowing women to vote for presidential electors had been agitated. Ohio women had made a partial poll of the Legislature in 1915 and found no promise of action. In 1917, January 16, a bill was introduced providing for presidential suffrage. In the House, on January 30, it had come out of committee with a favorable report and it passed the House February 1 by seventy-two ayes and fifty nays, 55 per cent of the democrats voting for it and 69 per cent of the republicans.

The wets in the Senate attempted to sidetrack this bill by introducing a full suffrage measure, but House bill reached the Senate before the other came out of committee. At this hearing the women leaders of the anti-suffrage association occupied seats with the wet leader and his friends on the floor. The next morning the presidential suffrage bill came out of committee, passing by nineteen to seventeen. The leader of the opposition changed his vote from no to yes in order to move for reconsideration. However, a friend of the measure forced the reconsideration the following day. This was lost, so the bill itself went on record as having received the vote of the wet leader and having passed by twenty to sixteen. Governor Cox signed it February 21.

Very soon the opponents opened headquarters in Columbus and circulated petitions to have the presidential suffrage bill referred to the voters for repeal. The story of this petition is a disgraceful one. During blistering hot weather the suffragists sat in the capital at Columbus and copied these petitions or such parts of them as they had time for. They found that four-fifths of these petitions were gathered in saloons, the petitions lying on the front and back bars (it was the first time that some women knew what the back bar was). Thousands of names were sworn to by men who declared they saw them signed. This was impossible unless they stood by the bar eighteen hours a day for weeks and watched every signature. Some petitions, according to dates they bore, were circulated by the same men in different counties the same day, a physical impossibility. Some petitions were written wholly by the same hand and some had names only, no addresses. It was a race for the suffragists; the liquor men had no thought of their determination and desperation. The Ohio Woman Suffrage Association

brought suit in six counties to prove the petitions fraudulent. In four the courts ordered all but a few names thrown out. In Scioto all names were rejected and in Cuyahoga 7,000 were thrown out. In Franklin, Lucas and Montgomery counties the petitions on the face of them were fraudulent, unquestionably fraudulent, but the election boards were hostile to woman suffrage and powerful with the courts and refused to bring cases. When suffragists attempted to intervene the courts declared they had no jurisdiction.

The suffragists were on duty in Columbus from January to October, long, weary, exciting months. It was clearly proved in the cases which were brought that the petitions were fraudulently circulated, signed, attested and certified. When in course of legal procedure courts ruled that the secretary of state should be restrained from counting the signatures from seventeen counties, because the board of elections had not properly certified them, the secretary of state telegraphed the election boards and they were certified, although there is no constitutional or statutory provision for recertification. There is no space here to narrate a detailed story of all attempts to arrest the fraud, but some courts ruled that they had no jurisdiction, others that the time was not right, some said it was too early, others too late. The suffragists had to meet the expenses of all this litigation and had to depend upon individual contributions.

The amendment was so worded on the ballot that it was hard to know whether to vote yes or no. At the November election the opponents of presidential suffrage won and the law was repealed by a majority of 146,120, 422,262 voting for retaining presidential suffrage and 568,382 against it. More votes were polled in 1917 than in 1914. The law was upheld in fifteen counties, in eleven of which suffrage had carried three times.

In Washington recently officers of the national committee of a dominant party, in speaking to the writer of the woman suffrage movement, said: "It came rather quickly and easily after all." Did it come quickly? More than seventy years! Easily? How little the world knows of the real bloodshed of that battle! The defeat of 1917 convinced the suffragists that there would be no use to try to get suffrage in the state until prohibition was established. They therefore turned their attention to the proposed national amendment. This amendment was voted upon in the House of Representatives in 1915; five of the twenty-two Ohio representatives voted for it. In 1918, eight of twenty-two voted for it. On May 21, 1919, only two representatives voted against it, Hon. Warren Gard of Dayton, and A. E. B. Stephens of Cincinnati. When the final vote was taken in the Senate, June 4, 1919, Senator Harding voted yes and Senator Pomerene no. The Ohio Legislature was so eager to ratify the national amendment that it recessed instead of adjourning, and immediately upon reconvening, June 16, ratified. The House voted seventy-six aye and six no. In order that women might vote at the fall election, in case there was any slip in the national amendment, the Legislature passed immediately the presidential suffrage bill. The House was in an uproar of good feeling. Women, who heretofore had always witnessed legislative action from the gallery, were on the floor and the leaders escorted them through the legislative passageway, which always heretofore had been closed to them, to the Senate chamber where the senators immediately ratified by a vote of twenty-seven ayes to three nays. Later in the day the Senate passed the presidential suffrage bill. Ohio was the fifth state to ratify. New York ratified on the same date, but their action came at night, whereas Ohio's was in the daytime.

The fight seemed to be over, but not so. The liquor interests ("Home Rule Association") had initiated petitions on both ratification and presidential suffrage. The Ohio Suffrage Association persuaded the national association to attack the constitutionality of this referendum,

which was done. The case went to the Ohio Supreme Court and the United States Supreme Court and the decision was that the power to ratify rested in the Legislature and could not be passed to the voters. The liquor people had in 1918 carried an initiative measure providing that federal amendments must be approved by the voters before the ratification of the Legislature was effective.

The adjourned session of the Legislature gave women primary suffrage in addition to presidential suffrage, but the final ratification of the federal amendment made this measure unnecessary.

Ohio took an active part in the ratification of the thirty-six states. The president of the Ohio Woman Suffrage Association had been chosen to lead the national republican forces by the presidential candidate, Mr. Harding, and she had been ordered by Mr. Hays, the national chairman, to go to Nashville to work with the Tennessee republicans. The mountain men of Tennessee have always been republicans. She explained to these legislators that although they could not usually render the national republicans much service, because they were in the minority, yet here was a case where they could render invaluable service by redeeming the pledge of the republican platform to ratify the amendment. Fifteen of these mountaineers pledged themselves so to do and not any of them wavered throughout all that terrible fight during those August days. At the end twenty-two republicans from the eastern portion stood solidly and as the ratification came by only a few votes, two possibly, it is easy to see where the balance of power lay and also that Ohio, which began its work in 1850, was on the firing line in the very last battle.

It seems strange to write an account of the Ohio suffrage movement and not mention the names of any women leaders, the activities of any special groups or the assistance rendered by any men politically. The truth is that the leaders of each generation did the very best they could. To single out any would be unfair. Some sections had more sentiment and larger population; less favorable counties made equal effort. Ohio's work was team work and the result was due to all.

That we began early and worked to the very last moment, and that women were enfranchised, is enough for all of us.

Miss Elizabeth J. Hauser,[2] editor of the Bulletin, official organ of the suffrage association, said editorially: "We had just witnessed a perfect exhibition of team work and a demonstration of loyalty to the cause and to each other by members of opposing political parties that was heart warming. We had finished the suffrage fight in Ohio as Mrs. Upton had always wanted to finish it, with love, good will and harmony in our own ranks, and so far as we are able to judge, with nothing but good will from the men with whom we had worked since the present stage of the contest as inaugurated in 1912."

Sojourner Truth at the Akron Woman's Rights Convention

This naturally gifted but illiterate colored woman who acquired considerable fame in the days of anti-slavery agitation before the war has become something of a tradition and many are the stories that came down to the close of the past century in regard to her eloquence and power to move great audiences. The following statement is from the reminiscences of Frances D. Gage, who presided at the Akron meeting, which was held on May 28-29, 1851. The speech of Sojourner Truth as recalled by Mrs. Gage is the one to which Mrs. Upton has referred in her contribution on the woman's suffrage movement in Ohio:

"The leaders of the movement trembled on seeing a tall, gaunt black woman in a gray dress and white turban, surmounted with an uncouth sun-bonnet, march deliberately into the church, walk with the air of a

[2]Miss Hauser was closely associated with Mrs. Upton in the work for equal suffrage in Ohio. She is at present secretary of the National League of Women Voters.

queen up the aisle, and take her seat upon the pulpit steps. A buzz of disapprobation was heard all over the house, and there fell on the listening ear, 'An abolition affair!' 'Woman's rights and niggers!' 'I told you so!'

"I chanced on that occasion to wear my first laurels in public life as president of the meeting. At my request order was restored, and the business of the Convention went on. Morning, afternoon and evening exercises came and went. Through all these sessions old Sojourner, quiet and reticent as the 'Lybian Statue,' sat crouched against the wall on the corner of the pulpit stairs, her sun-bonnet shading her eyes, her elbows on her knees, her chin resting upon her broad, hard palms. At intermission she was busy selling the 'Life of Sojourner Truth,' a narrative of her own strange and adventurous life. Again and again, timorous and trembling ones came to me and said with earnestness, 'Don't let her speak, Mrs. Gage, it will ruin us. Every newspaper in the land will have our cause mixed up with abolition and niggers, and we shall be utterly denounced.' My only answer was, 'We shall see when the time comes.'

"The second day the work waxed warm. Methodist, Baptist, Episcopal, Presbyterian, and Universalist ministers came in to hear and discuss the resolutions presented. One claimed superior rights and privileges for man, on the ground of 'superior intellect'; another, because of the 'manhood of Christ; if God had desired the equality of woman, He would have given some token of His will through the birth, life, and death of the Saviour.' Another gave us a theological view of the 'sin of our first mother.'

"There were very few women in those days who dared to 'speak in meeting'; and the august teachers of the people were seemingly getting the better of us, while the boys in the galleries, and the sneerers among the pews, were hugely enjoying the discomfiture, as they supposed, of the 'strong-minded.' Some of the tender-skinned friends were on the point of losing dignity, and the atmosphere betokened a storm. When, slowly from her seat in the corner rose Sojourner Truth, who, till now, had scarcely lifted her head. 'Don't let her speak!' gasped half a dozen in my ear. She moved slowly and solemnly to the front, laid her old bonnet at her feet, and turned her great speaking eyes to me. There was a hissing sound of disapprobation above and below. I rose and announced 'Sojourner Truth,' and begged the audience to keep silence for a few moments.

"The tumult subsided at once, and every eye was fixed on this almost Amazon form, which stood nearly six feet high, head erect, and eyes piercing the upper air like one in a dream. At her first word there was a profound hush. She spoke in deep tones, which, though not loud, reached every ear in the house, and away through the throng at the doors and windows.

" 'Wall, chilern, whar dar is so much racket dar must be somethin' out o' kilter. I tink dat 'twixt de niggers of de Souf and de womin at de Norf, all talkin' 'bout rights, de white men will be in a fix pretty soon. But what's all dis here talkin' 'bout?

" 'Dat man ober dar say dat womin needs to be helped into carriages, and lifted ober ditches, and to hab de best place everywhar. Nobody eber helps me into carriages, or ober mudpuddles, or gibs me any best place!' And raising herself to her full height, and her voice to a pitch like rolling thunder, she asked, 'And a'n't I a woman? Look at me! Look at my arm! (and she bared her right arm to the shoulder, showing her tremendous muscular power). I have ploughed, and planted, and gathered into barns, and no man could head me! And a'n't I a woman? I could work as much and eat as much as a man—when I could get it —and bear de lash as well! And a'n't I a woman? I have borne thirteen chilern, and seen 'em mos' all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And a'n't I a woman?

" 'Den dey talks 'bout dis ting in de head; what dis dey call it?' ('Intellect,' whispered some one near.) 'Dat's it, honey. What's dat got to do wid womin's rights or nigger's rights? If my cup won't hold but a pint, and yourn holds a quart, wouldn't ye be mean not to let me have my little half-measure full?' And she pointed her significant finger, and sent a keen glance at the minister who had made the argument. The cheering was long and loud.

" 'Den dat little man in black dar, he say women can't have as much rights as men, 'cause Christ wasn't a woman! Whar did your Christ come from?' Rolling thunder couldn't have stilled that crowd, as did those deep, wonderful tones, as she stood there with outstretched arms and eyes of fire. Raising her voice still louder, she repeated, 'Whar did your Christ come from? From God and a woman! Man had nothin' to do wid Him.' Oh, what a rebuke that was to that little man.

"Turning again to another objector, she took up the defense of Mother Eve. I can not follow her through it all. It was pointed, and witty, and solemn; eliciting at almost every sentence deafening applause; and she ended by asserting: 'If de fust woman God ever made was strong enough to turn de world upside down all alone, dese women togedder (and she glanced her eye over the platform) ought to be able to turn it back, and get it right side up again! And now dey is asking to do it, de men better let 'em.' Long-continued cheering greeted this. "Bleeged to ye for hearin' on me, and now ole Sojourner han't got nothin' more to say.'

"Amid roars of applause, she returned to her corner, leaving more than one of us with streaming eyes, and hearts beating with gratitude. She had taken us up in her strong arms and carried us safely over the slough of difficulty, turning the whole tide in our favor. I have never in my life seen anything like the magical influence that subdued the mobbish spirit of the day, and turned the sneers and jeers of an excited crowd into notes of respect and admiration. Hundreds rushed up to shake hands with her, and congratulate the glorious old mother, and bid her God-speed on her mission of 'testifyin' agin concerning the wickedness of this 'ere people.' "

CHAPTER VII

THE OHIO STATE GRANGE

The credit for the organization of the National Grange belongs first of all to Oliver H. Kelley, a farmer of Minnesota, who was, because of his known interest in agriculture; summoned to Washington, October 20, 1865, by the Commissioner of Agriculture Isaac Newton, who wished Mr. Kelley to make a survey of agricultural conditions in the South in the winter of that year. Mr. Kelley did not receive his commission until he had an audience with President Andrew Johnson, who heartily favored the proposed survey. On January 13, 1866, Mr. Kelley left Washington on his mission to the South. He returned on the 21st of the following April and made his report. His trip through the South had greatly heightened his interest in the formation of an organization to improve the condition of the farmers. His supreme interest was in rural life and agricultural development. After making his report to the government he received an appointment in the post office department, and returned to Washington in May, 1867. "Here he became acquainted with six other men" who were deeply interested in the working out of his plans for an organization. These men were William Saunders and A. B. Grosh of the agriculture department; William M. Ireland of the postoffice department; Rev. John Trimble and J. R. Thompson of the treasury department; and F. M. McDowell, a pomologist of Wayne County, New York." These seven men spent two years in the formulation of the principles of the new organization and the preparation of the ritual which is still in use and has been highly praised because of its "originality of thought, purity of sentiment and beauty of diction."

These seven men are regarded as the founders of the organization which they named Patrons of Husbandry. In popular parlance it is more commonly spoken of as the Grange, and we have the terms National Grange, State Grange and subordinate Grange, although at first the name Grange appears to have been applied only to what is now known as the subordinate Grange.

The first subordinate Grange in the United States was organized at Fredonia, New York, April 16, 1868. The first State Grange was organized in Minnesota, the home state of Mr. Kelley. On April 21, 1868, Oliver Kelley arrived in Columbus from Washington and met Mr. Joe Dwyer, J. H. Klippart and Colonel Innis, who heartily endorsed the new organization and gave fifteen dollars for a dispensation "with the intention of organizing a Grange at Camp Chase near Columbus." It does not appear that this Grange was organized; at least it was not the first established in Ohio. A year later Mr. Kelley returned to Ohio, and on March 2, 1870, and with the assistance of Mr. Anson Bartlett of North Madison, Lake County, organized Grange No. One at East Cleveland, Ohio. The character members were: Mr. and Mrs. O. D. Ford, Mr. and Mrs. Thomas Hodges, Mr. and Mrs. Matthew Crawford, Mr. and Mrs. John H. Phare, Mr. and Mrs. M. G. Pentecost, Mr. and Mrs. William Crawford, John Phare and M. Reagin.

One week later at this Grange was held the first social of the order in the state. Only twelve persons were present, but they had an enjoyable evening according to the report of one who was present.

The second Grange in the state was established in Stark County and was known as Plains Grange No. Two. The next three were organ-

ized in Hocking County. Grange No. Six, named Ohio Grange, was organized at Springboro, Warren County, November 1, 1872, with 50 charter members, 30 men and 20 women. In the membership of this Grange was Seth H. Ellis, a Quaker and an educated farmer, whose name was destined to figure prominently in the order later in its history Mr. Ellis states that it was not known, when this Grange was organized, that there were others in the state, hence it was called "Ohio Grange." When their charter came they discovered that five other Granges had already been established in Ohio. The newspapers now began to take notice of the order and to give it considerable publicity in their columns. In the meantime Mr. Ellis had been appointed general organizer and a number of Granges in the southwestern part of the state were established.

The State Grange of Ohio was organized in Lebanon, Warren county, April 9, 1873. The first sessions were held in Halle's Hall, but the attendance was so large that the meeting adjourned to the court house, where the concluding sessions were held. The officers elected were as follows: Master, Seth H. Ellis, Warren County; overseer, Henry McDowell, Stark County; lecturer, J. W. Stubbs, Warren County; steward, I. B. Robbins, Mercer County; assistant steward, F. M. Gordon, Hocking County; chaplain, Lewis Mease, Montgomery County; secretary, D. M. Stewart, Greene County; treasurer, Col. R. Stevenson, Greene County; gatekeeper, Thomas Fletcher, Clermont County; Ceres, Mrs. Seth H. Ellis, Warren County; Pomona, Mrs. S. Hoon, Clinton County; Flora, Mrs. R. Stevenson, Greene County; L. A. S., Mrs. Dr. Stokes, Warren County; executive committee:—I. P. Schenck, chairman, Warren County; Wilford Stiers, Hocking County; W. H. Stokes, Warren County; Col. R. Stevenson, Greene County; Lewis Mease, Montgomery County.

The second meeting of the State Grange was held in Xenia, February 17-20, 1874. There had been a remarkable growth of the order in the previous year and the subordinate Granges now numbered 550. The masters of these and their wives were accredited delegates, and more than 800 persons in this representative capacity were at the opening session. This meeting was a notable one. In the list of delegates was Capt. W. W. Miller of Erie County, a veteran of the Civil war, who had been severely wounded in the service, and later was state secretary of agriculture. The woman's temperance crusade was in progress where the meeting was held. Excitement ran high. The saloons were visited by the temperance women, known as the Woman's Temperance League of Xenia, who sang hymns and prayed kneeling on the pavement. The master of the State Grange, Seth H. Ellis, describes what took place at one of the sessions as follows:

"On Thursday afternoon there was a communication handed to me while presiding over the Grange from the president of the Women's League. I read it to the Grange. It stated that the proprietor of a saloon known as the "Shades of Death" had yielded to their prayers, and had invited them to come to his place and empty his liquors into the street gutters; and they requested that the Grange accompany them in procession. When I read this, someone moved that the invitation be accepted, and that we close the Grange and form in double rank and accompany the ladies. The vote was carried unanimously. We got on the streets as soon as so large a company well could, and formed two and two. But our large company occupied so much time in the movement that the liquors had been emptied into the streets before we reached the place. But the master of the State Grange was required to stand on the end of an emptied whiskey barrel and make a temperance speech before the crowd would disperse."

At this meeting the State Grange passed strong resolutions in support of the temperance movement. Throughout its entire subsequent history it has consistently favored prohibition. The Grange was a most

important factor in opposing the saloon from this early date until the liquor traffic was forbidden by the state and national constitutions.

The Grange, it is claimed, has exerted noteworthy influence in bringing about a better understanding and feeling between the North and South. In its early history there remained much of the bitterness engendered by the Civil war. At the Xenia meeting the following greeting was sent to a number of the State Granges of the South:

"Seven hundred brothers and sisters send you their greetings and clasp your hands in faith, friendship and justice."

This telegram was signed by the master and secretary of the Ohio State Grange. Every State Grange addressed promptly responded. The message from the State Grange of South Carolina in cordiality and fraternal spirit may be considered representative of all the others:

"The greetings of 10,000 Patrons. May our Order bind us together more firmly than the ties of blood. Unanimously adopted by standing vote of the State Grange of South Carolina."

This greeting was signed by the master. The responses from the Granges of the South were received with great enthusiasm.

The order continued to prosper. It became apparent at the Xenia meeting that it would soon be impracticable to have two representatives from each subordinate Grange. A rule was therefore adopted making the county the unit for representation in the state body. The Granges of any county were entitled to send one delegate and an additional delegate for each eight Granges or fraction equal to five.

With the growth in the years 1874-1875 came a demand for cooperative purchasing. There had been for some time past a feeling on the part of the farmers that they had been victimized by "the middlemen"; that those from whom they purchased goods were getting exorbitant commissions and that those to whom they sold the products of the farm were paying low prices in order that they might make large profits in their sales to the consumer. As a result of this feeling there was general hostility toward agents, merchants and commission men. The Grange therefore organized to select their own business agent to make purchases for them. Col. W. H. Hill, of Sharonville, Hamilton County, was called to this responsible position in the spring of 1874 and gave bond in the sum of $40,000 for the faithful discharge of the trust reposed in him. It was claimed that in the first year a saving of $27,000 was effected on goods purchased through the agent.

There was of course opposition to this feature of the program of the order on the part of those whom it was intended to eliminate. Possibly they were respnsible for much of the propaganda against the order in the '70s. There was much talk about the losses sustained by the purchasers of goods at low prices. It was claimed that they were often victimized by the vendors of inferior goods. It was even claimed that their agent purchased for them at one time a large consignment of "wooden nutmegs." This could hardly have been true. There can be no doubt, however, that in many instances the quality of the large purchases was distinctly inferior. This feature of the program as originally adopted was unsatisfactory and the cooperative department conducted by Colonel Hill in Cincinnati was abandoned. The business agent policy, however, was continued for a time and is declared still to be satisfactory. In these later years, however, Grangers usually buy of agents and merchants much as do their fellow citizens outside of the order.

The status of women in the Grange was the subject of considerable controversy at the Cleveland meeting of the State Grange in 1876. By close vote the right of women to vote in the state meeting was confirmed.

It was at this session that the order took a firm stand in regard to the attitude toward other organizations. This is clearly defined in the

following quotation from the "Golden Jubilee History of the Ohio State Grange":

"Another interesting feature of this session is that it adopted the policy of cooperating with all but combining with none. The Sovereigns of Industry, later becoming the Federation of Labor, sent a strong appeal to the Grange, pointing out how the producers on the farm and in the city should work close together, and they proposed some sort of a merger. Their communication was referred to a committee which reported that the Grange was always willing to cooperate for mutual interest and advancement but that it could not combine with any other organization."

As early as the fifth annual session of the State Grange, which was held in Cincinnati, February 20, 1877, every county in the state was represented. Seth H. Ellis, who had been master of the State Grange from its organization in 1873, in 1882 refused to be a candidate for reelection, and J. H. Brigham was chosen to fill his place. Brigham was master during 1882-1889, and was then chosen master of the National Grange. The position of master of the State Grange was then again filled by Seth H. Ellis, whose second period of service covered the years 1889-1892.

In 1892 T. R. Smith of Delaware was elected master of the State Grange, and served four years. He later served two terms as state representative in the general assembly from his county.

In the fifty-two years since the Grange was organized in Ohio, the office of state master was filled for over a third of this time by Seth H. Ellis. His third period of service followed the term of Mr. Smith, covering the years 1896-1900.

From 1880 there was a decline in the membership of the Grange in Ohio from 50,000 to 20,000. There appears, however, to have been no decline in the activity of those who remained in the order. Important achievements in legislation, due largely to the influence of the Grange, belong to this period of declining membership.

Frank A. Derthick became state master in 1900 and served to and including 1908. Mr. Derthick was an able speaker, a man of liberal education and wide public interests. He had been dairy and food commissioner of the state and in this position was largely instrumental in the enactment of laws regulating the sale of oleomargarine, fertilizers and feeds. He was a student of taxation and a lecturer for the International Tax Association in the United States and Canada. He was a soldier in the Civil war, a member of the State Board of Agriculture, of the Ohio State Board of Commerce, and of the board of trustees of the Ohio State University. He was born in Summit County, January 3, 1844, and died at his home in Mantua, Portage County, January 4, 1922.

In 1908 T. C. Laylin of Huron County was elected state master and served to the year 1914. He was succeeded by L. J. Taber, who had joined the Grange in 1900 and at once became an active member of the order. He served as lecturer and organizer until 1914, when he was elected master of the State Grange, a position which he resigned in 1921 to accept appointment as director of agriculture. Mr. Taber was later elected master of the National Grange, a position he still holds. He was succeeded as master of the State Grange by Harry A. Caton of Coshocton County; who still (1925) holds this office.

Prominent among the Grange workers of Ohio is Charles M. Freeman, who was elected secretary of the Ohio State Grange in 1900 and of the National Grange in 1903, a position which he still holds by successive elections.

Community service has been emphasized in the work of the Grange in Ohio. As we have seen, this Grange early recognized the equality of women, and this brought all other members of the family together in social activities. Picnics, dinners and suppers were frequently

arranged for members of the order, who were often permitted to bring their friends with them. Plays, entertainments and singing schools gave opportunity for the development of dramatic talent among the younger people. The social activities were supplemented by educational programs. There were discussions of agricultural topics, household problems, debates, spelling bees and the consideration of local school problems. Sewing schools, corn huskings and apple cuttings had preceded the organization of the Grange, but these cooperative movements were encouraged by the order. The county fair had also been established much earlier, but the Granges took a special interest in theses annual events and vied with one another in the exhibits of the products of the farm.

The erection of Grange halls greatly facilitated the social and educational work, and tended to give permanence to the order in the communities in which they were built.

Since 1900 the Grange in Ohio has steadily grown in membership and influence. Perhaps no other order can point to a greater number of worthy measures and movements within the last fifty years than those included in the program to which the Grange has given its earnest support. Of its present status Mr. Louis J. Taber, master of the National Grange, has recently said:

"The Grange in Ohio has about 700 local organizations and a membership approaching 100,000. Subordinate Granges own over 350 Grange halls used as community centers, with a replacement value of more than $2,000,000.

"This year Ohio led the nation in the organization of juvenile Granges, 40 being organized, twice as many as in any other state.

"The Grange is supporting the movement to reduce and equalize taxes. It favors strict enforcement of law. The Grange is active in obtaining clean fairs, it has opposed all gambling and games of chance on fair grounds. It has favored making agricultural fairs educational."

The Ohio State Grange claims to have been the pioneer of the great forward movements in the state since its organization. Among approximately a hundred specific proposals or general measures actively supported by the order, most of which have been carried out or enacted into law, the following are presented as worthy of especial notice. The place and date of the state meeting at which these measures were first favored and the date of the successful culmination or enactment are given.

Xenia, 1874: Asking for equal suffrage. (1920.)

Columbus, 1875: Declaring that railroads are public highways, that the individuals who manage them are public servants and that they should be controlled by the laws of the state. (1906.)

Cincinnati, 1877: Favoring the establishment of a wool house in the state so that the wool of Ohio and adjoining states could be handled, graded and sold collectively. (1919.)

Cincinnati, 1877: Favoring compulsory education in Ohio. (1889.)

Galion, 1878: Asking the legislature to enact a local option law. (1888.)

Galion, 1878: Asking for laws to punish persons engaged in the manufacture and sale of impure or adulterated articles of food. (1884.)

Columbus, 1879: Asking Congress to prevent the importation and spread of contagious diseases among livestock. (1884.)

Columbus, 1879: Protesting against the adulteration of woolen goods. (Truth-in-fabrics bills recently before Congress.)

Columbus, 1880: Asking that the elements of agriculture be taught in the common schools of Ohio. (1911.)

Akron, 1884: Asking the Ohio legislature to submit an amendment to the constitution to suppress the traffic in intoxicating liquors. (1919.)

Cincinnati, 1885: Favoring the election of U. S. Senators by direct vote of the people. (1914.)

Mt. Vernon, 1886. Asking the prohibition of the issuance of railroad passes to public officials and for a two-cent per mile railroad fare in Ohio. (1906.)

Lima, 1888: Asking for laws restraining combinations in restraint of trade. (1898.)

Lima, 1888: Demanding the same rights for women as for men. (1920.)

Lima, 1888. Asking for prohibition of the killing of quail in Ohio. (1917.)

Lima, 1888: Asking for the inspection of all cattle killed for food. (1906.)

Lima, 1888: Asking that children be required to attend school six months each year. (1902.)

Springfield, 1889: Asking for the Australian ballot system for the state. (1891.)

Springfield, 1891: Asking for the free delivery of mail in rural districts. (1896.)

Delaware, 1892: Favoring the establishment of postal savings banks. (1911.)

Van Wert, 1895: Asking that candidates be required to file an itemized account of election expenses. (1911.)

Van Wert, 1895: Asking for the establishment of central township schools and the transportation of pupils to and from them. (1900.)

New Philadelphia, 1898: Favoring the initiative and referendum system of law making. (1915.)

Defiance, 1902: Favoring a direct primary law. (1908.)

Defiance, 1902: Favoring a parcel post system. (1913.)

Mansfield, 1903: Favoring the passage of laws to regulate the use and speed of motor vehicles on the public highways. (Speed, 1908; registration, 1909; license fee, 1919.)

Springfield, 1909: Asking for industrial training for the rural schools. (1917.)

Salem, 1912: Endorsing the movement for installing county agricultural advisers or agents. (1915.)

Salem, 1912: Asking that it be made a criminal offense for an intoxicated person to drive a motor vehicle on the public highways. (1913.)

Columbus, 1919: Asking for the passage of the Capper-Volstead cooperative national law. (1921.)

Recently, the weight of influence of the Grange was cast against the child-labor amendment to the federal constitution, and was an important factor in securing defeat of its ratification by the Ohio legislature.

Ohio Farm Bureau

At the outset the object of the farm bureau in Ohio seems to have been agricultural extension. Prior to the enactment of the Smith-Lever law for the appointment of country agricultural agents, voluntary county associations known as county farm bureaus were organized in a few counties of the state to accomplish in a measure what has since been attained through the Smith-Lever act. In Portage County, Ohio, a county agent had been employed through a voluntary organization as early as 1913.

While great encouragement was given to this movement by the enactment of the Smith-Lever law, the growth of associations to take advantage of its provisions was gradual prior to the entrance of the United States into the World war.

The demand for increased food production, elsewhere noted, greatly

stimulated the increase in number of these voluntary associations or farm bureaus as they were called.

At the close of the war it was felt by the leading agriculturists of the state that the farm bureaus might be systematically organized to carry out an enlarged cooperative program, that would include not only economical production but "cooperative marketing, purchasing, legislation, and other economic problems."

The Ohio Farm Bureau Federation was organized during farmers' week at the Ohio State University, January 27-28, 1919. Following are the names of the first directors: Harry G. Beale, Mt. Sterling; George L. Cooley, Dover Center; L. J. Taber, Barnesville; O. E. Bradfute, Xenia; H. P. Miller, Sunbury; H. C. Rogers, Mechanicsburg; Frank Balyeat, Van Wert; Depew Head, Marion; H. E. Shaver, Cheshire. This body chose from its own membership the following officers: President, O. E. Bradfute; vice president, H. P. Miller; secretary-treasurer, H. C. Rogers; recording secretary, Depew Head.

Later in the week a delegation from the newly formed Ohio Farm Bureau Federation attended a conference at Ithaca, New York. This conference resulted in a meeting there on February 12, 1919, of representatives from twelve states to consider the advisability of forming a national federation. This meeting decided in favor of calling a convention in Chicago on November 12-13, 1919, to consider a plan for the formation of a national federation.

Oscar E. Bradfute of Xenia, Ohio, was chairman of the Chicago convention, at which representatives of thirty-one states were present. The prevailing sentiment of the convention favored an extended agricultural program of work and stressed especially cooperative marketing and the enactment of legislation favorable to the farming interests.

Interest in the new organization developed rapidly. This interest was reflected in Ohio. At the second annual meeting at the Ohio State University during farmers' week in 1920 the dues for membership were raised from one dollar to ten dollars. An intensive campaign for the increase of membership was planned and the work of extending the organization was pushed with great enthusiasm. Solicitors for members took up this work. "Active farmers or persons directly interested in farming were solicited." The qualifications for membership, however, were determined by the constitutions of the different county bureaus. Memberships for a three year period were urged in the interest of continuity of service and economy in organization. Later the three-year limitation was superseded by a continuous membership contract. Of the annual dues one half was to remain with the county bureau, and the other was to be forwarded to the state bureau. Of this latter amount fifty cents was to be sent to the national federation.

Organized at the close of the war, when money was plentiful and farmers, as well as American citizens generally, were still in the habit of contributing freely to any cause that claimed their interest, the growth of the Ohio Farm Bureau Federation was rapid. The membership increased by thousands until it appeared destined to reach the hundred thousand mark. Later, however, came the agricultural depression, "the deflation of the farmer," and a reaction in the growth of the federation. The membership rapidly declined for a time, but it is still large and has reached what seems to be a permanent basis. The friends of the movement confidently predict a steady future growth.

In the beginning, the county bureau was the unit upon which the superstructure was built. As the membership increased there developed a demand for the subdivision of counties and the organization of "township or community units," of the farm bureau, with regulations similar to those originally adopted by the county bureaus. Membership appears not to be limited by age or sex. "Women and young folks as well as the men serve on committees and as officers." These local units afford the opportunity "through which every member of the family can have

direct contact with the farm bureau and through which he can work and give expression to the general policies and work of the entire organization." Where a complete organization has been effected "the county bureau is governed by a group of directors representing each of the townships or communities." In some counties an executive officer has been employed to see that the details of the program of the farm bureau and affiliated organizations are effectively carried out. This officer is paid by the farm bureau and other affiliated organizations, such as the county wool association or the county livestock association.

State headquarters of the Farm Bureau Federation were established in the Southern Hotel in Columbus in March, 1920, and Murray D. Lincoln of Cleveland was employed as executive secretary, a position which he still holds. Larger quarters were occupied in the Franklin Building at the corner of Main and High streets soon afterward. These quarters by September, 1923, were outgrown, and an entire floor of the Copco Building at 199 East Gay street was leased. This is the present headquarters of the State Federation.

For purposes of organization the state is divided into 22 districts. A director is elected from each of these districts for a term of three years. In addition, three woman directors-at-large are elected each year at the annual meeting of the Ohio Farm Bureau Federation. The presidents of affiliated associations are also voting members of the board of directors and the executive committee. "The master and secretary of the State Grange and representatives of the College of Agriculture are invited to meet with both bodies but without power to vote." The 25 directors elect an executive committee of nine members, and this executive committee employs the executive secretary, treasurer and minor employes of the federation.

When organized, the farm bureau sought to cooperate with other agricultural organizations already in the field, to avoid duplication of effort and secure harmonious cooperation. Working agreements have been established with the State Grange, the Ohio Livestock Cooperative Association, the Ohio Wool Growers Cooperative Association, a number of cooperative dairy marketing associations, the Ohio Fruit Growers Cooperative Association, the Miami Valley Tobacco Growers Cooperative Association, the Ohio Poultry Producers Cooperative Association.

In their initial efforts at cooperative marketing the farm bureau was embarrassed by the Valentine anti-trust law, which imposed penalties for restraint of trade to secure a monopoly of commodities. In cooperation with the Ohio State Grange, the farm bureau was largely instrumental in the enactment of the Farnsworth-Green Cooperative Marketing law, which was passed in 1923. It removes all such cooperative agencies as are fostered by the bureau from the operation of the Valentine law. This measure has greatly facilitated the marketing program of the bureau, and cooperative marketing associations have greatly increased in number since its enactment.

In conclusion it may be said that interest in the farm bureau, which has had a remarkable growth in a comparatively few years, is still in the ascendancy. Features of the work that it has undertaken in Ohio have been successfully carried out in the fruit growing sections of the west, where cooperative marketing is firmly established. It seems probable that the abiding interests that called the farm bureau into existence will assure to it a permanent mission.

The officers of the Ohio Farm Bureau Federation for the year 1925 are:

President, L. B. Palmer, Pataskala; vice president, D. M. Odaffer, Bucyrus; executive secretary, Murray D. Lincoln, Columbus; treasurer, A. S. Thomas, Mt. Sterling.

Directors, by districts: 1. H. C. Fast, Napoleon; 2. Leroy Herring, Oak Harbor; 3. George L. Cooley, Dover Center; 4. D. L. Hower, Warren; 5. Ersel Walley, Paulding; 6. H. W. Tomb, Bloomville;

7. R. J. Elliott, Mansfield; 8. James Fluke, Ashland; 9. C. J. Halverstadt, Leetonia; 10. A. F. Moon, Conover; 11. Frank Dill, Lockbourne; 12. Clarence Henry, Hebron; 13. M. E. Foltz, Malvern; 14. U. S. Ray, New Madison; 15. Edward C. Rector, Williamsport; 16. Oliver Edgerton, Chester Hill; 17. O. J. Bailey, Tacoma; 18. W. K. Swan, Oxford; 19. W. R. Lewis, Wilmington; 20. J. D. Van Houten, Georgetown; 21. G. C. Evans, Jackson; 22. H. E. Shaver, Cheshire. Directors at large: Mrs. N. W. Rinehart, Dayton; Mrs. H. W. Lawrence, Monroeville; Mrs. James Devol, Marietta. The directors who constitute the executive committee are: Fast, Cooley, Tomb, Moon, Henry, Bailey, Evans, Shaver, Mrs. Lawrence.

Directors by commodity affiliation:—L. B. Palmer, president Ohio Wool Growers Cooperative Association; Edward Taylor, Urbana, president Ohio Livestock Cooperative Association; Fred Sheaffer, Germantown, president Miami Valley Tobacco Growers Cooperative Association; E. M. Fackler, president Ohio Poultry Producers Cooperative Association; A. C. Robison, president Ohio Fruit Growers Cooperative Association; Jared Barker, president Ohio State Dairy Council.

ANNALS OF OHIO ADMINISTRATIONS

ADMINISTRATIONS OF EDWARD TIFFIN AND THOMAS KIRKER

Introductory

Probably nothing so clearly pictures the progress of the new State of Ohio as do the annals of its Legislature. This was the mirror in which were reflected, as nowhere else, the thoughts and ambitions of the people, their conditions, their handicaps and their problems. The manner of setting up a new government was in large measure an experiment for those men, notwithstanding they had knowledge of the experiences of the older commonwealths of the East on which to draw. While provisions as to the actual working machinery of government could be copied from those of the other states, many of the conditions in Ohio were peculiar and unique, and in the determination of the best methods to be pursued, there were few precedents which could be followed.

It is wonderful to observe the wisdom with which the early law makers met most of their problems. Mistakes were made, of course, which had to be corrected afterwards, but in most of the laws enacted the fundamental principles were laid down on lines which have been departed from very little in all the years that have since elapsed.

Ohio at the beginning of the nineteenth century was an almost unbroken wilderness. Within thirty years thereafter it was a well governed commonwealth, under executive and judicial establishments which compared favorably with those of most of the enlightened states of the times. In all essentials the people of Ohio lived under a political system of the finest conception.

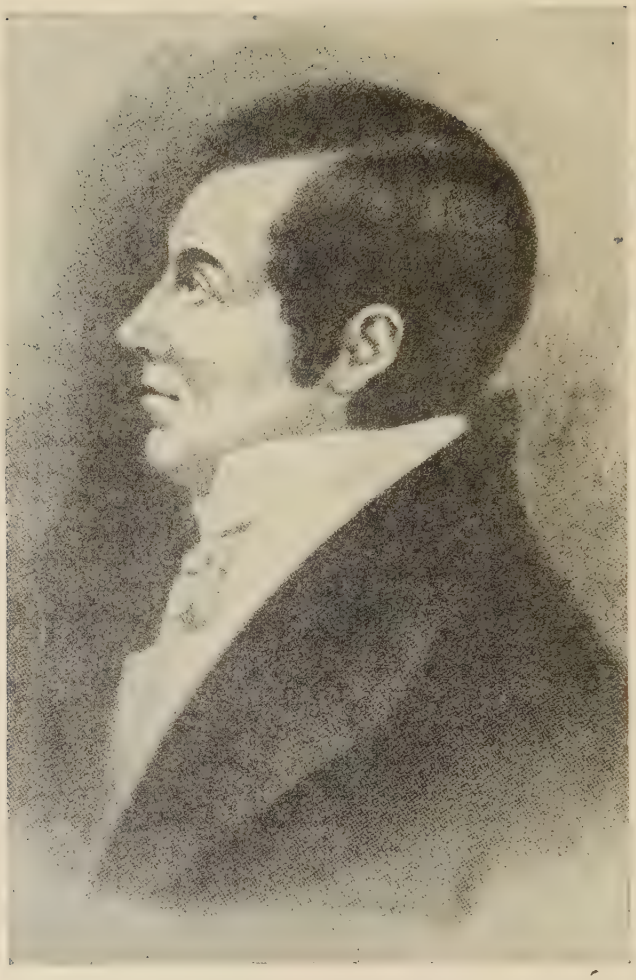
The development of all this makes a fascinating story—and most of that story is found on the pages of the records of its legislative body from year to year. Large questions and small were considered and decided, but through them all there was as much formality in action and manner, and in the recording of the proceedings, as there was in the Congress of the United States, or, perhaps, in the Parliament of Great Britain itself. It is curious to note in the few passages below quoted from the original pages of the journal of the House of Representatives, what an imposing display of parliamentary procedure accompanied even the most petty and trifling matters which were presented and considered in the legislative sessions:

"Mr. Newcom presented a petition from a number of the inhabitants of township No. 2, in range 6, east of a meridian line from the mouth of the Great Miami, praying for a law to be passed, authorizing the trustees of said township to lease, permanently, section No. 16, given for the use of the schools in said township, to William George, with the privilege of raising a dam across the south-west branch of said Miami River; and also of conveying the water out of said branch in a canal or race through said section for the purpose of erecting a mill or mills, which was received and read, and referred to a committee of Messrs. Newcom, Heaton and Manary, to report thereon, by bill or otherwise.

"Ordered, That Mr. Campbell acquaint the Senate therewith.

"On motion of Mr. T. Morris.

"Resolved, By the Senate and house of representatives, That the two houses meet in the representatives' chamber, at 3 o'clock, p. m., on this day, and elect, by joint ballot, one printer, to print the laws that may be passed the present session of the legislature; and also a printer



EDWARD TIFFIN

Governor March 3, 1803—January 1, 1807. Born June 19, 1766; died August 9, 1829. Member first and second Territorial legislatures; president Constitutional Convention of 1802; United States Senator; Speaker Ohio House of Representatives; first commissioner land office; surveyor-general of West.

to print the journals of both houses, and that a majority of all the votes given be necessary for a choice.

"On motion,

"Ordered, That the said resolution be committed to a committee of the whole house, and made the order of the day for this day: Whereupon,

"The house, according to the order, resolved itself into a committee of the whole house, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Corwin reported that the committee had under consideration the said resolution, had made progress therein, and asked leave to sit again.

"On motion, the leave was granted by the house.

"Mr. T. Morris presented at the clerk's table, a petition from John Paramour and a number of inhabitants of Adams County, praying that some provision may be made for the support of certain children of the said Paramour, which are helpless and unable to maintain themselves, which was received and read, and committed to a committee of Messrs. T. Morris and Campbell, with leave to report thereon, by bill or otherwise.

"The house proceeded to consider, at the clerk's table, the disagreement of the Senate, to the amendment made by this house to the amendment of the senate to the resolution on the subject of having eighty copies of the governor's message and other documents printed, and the same was read.

"On motion,

"Resolved, That this house do insist on the amendment made by this house, to the amendment of the senate, to the resolution for having eighty copies of the governor's message and other documents for the use of the members of the legislature.

"Ordered, That Mr. McKinney acquaint the senate therewith."

There were forty "rules and orders" for the government of the proceedings of the House of Representatives, and they included practically every measure for parliamentary procedure found in the rules of similar bodies 100 years later. Also joint rules governing both Houses when meeting together, which they did very often, and formal ceremonies and the most punctilious decorum were provided for in them.

Powers given and limitations fixed by the first state constitution upon the Legislature should be known to some extent by one who would understand its proceedings. There were two bodies—Senate and House of Representatives. Members of both were elected directly by the people. Within a year after the state was established there was to be an enumeration of the voters of the state (men twenty-one years old and over), and enumerations were to be made every four years thereafter in order that the number and apportionment of the members might be made in accordance with the population of the several counties. The number of members should never be fewer than twenty-four nor more than thirty-six until the voters should number more than 22,000, after which the membership could be increased to a maximum of seventy-two. Elections should be held on the second Tuesday of October in every year. All members of the Lower House were elected every year, and the senators were elected for two-year terms—one-half of them every year, so that there should always be half of them with at least one year's experience in the body.

Senators must have arrived at the age of thirty years, must be citizens of the United States and residents of their respective counties or districts at least two years prior to their election. Only taxpayers were eligible.

Members of the House of Representatives were required to be taxpayers, twenty-five or more years old, citizens of the United States, and residents of their respective counties at least one year prior to their election.

The Legislature, in addition to passing general laws, appropriating money, and performing the usual duties of such bodies, should, in joint session, elect the state officers below the rank of governor—that is, the secretary of state, the auditor of state, and the treasurer of state, and judges of state courts and "President Judges" of the courts of common pleas in the various counties. It was also to elect the principal officers of the military establishment. The governor was the only state officer elected by the people except the members of the Legislature.

The constitution also outlined the duties and powers of the executive and judicial departments of the state, but for the present purpose of reciting the proceedings of the legislative department, the details of those constitutional provisions need not be detailed.

Section 25 of the first article of the constitution designated the times of holding sessions in the following words: "The first session of the general assembly shall commence on the first Tuesday of March next (1803) and forever after the general assembly shall meet on the first Monday of December in every year, and at no other periods unless directed by law or provided for by this Constitution."

The first election was held January 11, 1803. The Legislature met in Chillicothe on March 1st following, and began its part in the momentous era which was that day entered upon.

First Legislative Session

March 1 to April 16, 1803

Deliberations were held in the new State House at Chillicothe. This was probably the first stone public building erected in the Northwest Territory. Its construction had been commenced in 1800 and finished the next year. The capitol proper was a two-story square building surmounted by a small cupola. At the right was a one-story building, probably not more than 24 feet square, for the use of the state auditor and state treasurer. At the rear was a jail. They were all considered fine structures in that day, but they were insignificant indeed judged by later standards.

The Senate was composed of fourteen members, and the House of Representatives of thirty. They were sent by the nine counties which then spread over the entire area of the state, exclusive of the Indian Reservation at the northwest corner, viz.: Adams, Belmont, Clermont, Fairfield, Hamilton, Jefferson, Ross, Trumbull and Washington. The other counties of the state, later established to make a total of eighty-eight, were all formed out of the territory in these original nine, and eight of them were so formed before that first session of the Legislature adjourned.

It is well worth while to record here the names of the forty-four men who composed that first law-making body of Ohio. Among them were some who had helped in the most important way in rescuing the territory from its terrible tribulations of private and massed Indian warfare, and in building the new commonwealth destined to such a glorious future. Others afterward became eminent in the state and nation. Many of them were Revolutionary heroes. All were men of the enterprise and the spirit that pioneers were made of. The list of names was as follows:

Senators—John Beasley and Joseph Darlington, of Adams County; William Vance, of Belmont; William Buchanan, of Clermont; Francis Dunlevy, Jeremiah Morrow, John Paul and Daniel Symmes, of Hamilton; Zenas Kimberly and Bazaleel Wells, of Jefferson; Abraham Claypool and Nathaniel Massie, of Ross; Samuel Huntington, of Trumbull, and Joseph Buell, of Washington.

Representatives—Thomas Kirker, Joseph Lucas and William Russell, of Adams; Joseph Sharp and Elijah Wood, of Belmont; Amos

Ellis and R. Walter Waring, of Clermont; William Trimble and David Reece, of Fairfield; John Bigger, Thomas Brown, James Dunn, William Maxwell, Robert McClure, Thomas McFarland, William James and Ephraim Kibby, of Hamilton; Rudolph Bear, Zacheus A. Beatty, Isaac Meeks and Thomas Elliott, of Jefferson; Michael Baldwin, Robert Culbertson, William Patton and Thomas Worthington, of Ross; Ephraim Quimby and Aaron Wheeler, of Trumbull; William Jackson, Robert Safford and Wyllys Silliman, of Washington.

In the Senate, Nathaniel Massie was elected speaker; William C. Schenck, clerk, and Edward Sherlock, doorkeeper. In the House Michael Baldwin was made speaker; William R. Dickinson, clerk, and Adam Betz, doorkeeper. The title speaker of the Senate has long since given way to that of president, and that of doorkeeper to sergeant-at-arms.

Speaker Massie at that time was forty years old. He was born in Virginia, was a Revolutionary soldier at seventeen, came to the Ohio country early and was surveyor, Indian fighter, and large land owner. He was major-general of the Ohio militia for several years. Speaker Baldwin was a brilliant lawyer of Chillicothe, afterwards described as "eloquent, eccentric and dissipated."

The officers of the Legislature were all chosen unanimously. There were two political parties, but in the first election the republicans, afterwards called democrats, so completely outnumbered the federalists that there was no contest worthy of the name. Politics immediately made its appearance in the Legislature, nevertheless, and the very first day of the session, contests were filed as to right of members to sit. Such contests were very frequent in the early days of the General Assembly, and some of them were very bitter.

On the third day after meeting, the two Houses convened in joint session to open and declare the result of the ballot for the first governor. Returns from Fairfield and Washington counties were missing, but there was no delay on that account, and it was officially declared that Edward Tiffin had received 4,564 votes and that none had been cast against him. This number of votes was at least 50 per cent short of the real number of voters in the state at that date. But the federal party had no candidate, it was known in advance that Doctor Tiffin was sure to be elected, and there was no effort to "get out the vote." If there had been daily newspapers then, doubtless the cry, since so familiar, of "Vote as you please, but vote," would have begun in the first year of the state's existence. No official census of the people had been taken, but it was estimated that the total population was between 45,000 and 50,000 and that at least 10,000 men were eligible to cast their ballots.

A committee of five, duly appointed, escorted the governor-elect to the hall of the House, where he took the oath of office, administered by Return Jonathan Meigs, Jr., and delivered his inaugural address—so short that it filled less than twenty lines of the House Journal. The next day he sent in his first annual message, very brief. In it he dealt entirely with matters pertaining to the machinery necessary to the new state.

Some days were occupied in discussing and adopting rules to control their deliberations, and also the rules to be followed in the election of state officers and United States Senators. Arrangements were made for printing the governor's message, the laws, rules and journal, and in getting down to the regular routine of business. A rather odd act was a refusal, by a vote of three yeas to twenty-six nays in the House, to employ a chaplain. It was probably not due to a lack of religious feeling, but can be accounted for by motives of economy. Another incident which seems strange in modern times was the receipt of a memorial from one Sally Woolcot asking to be divorced by the Legislature from John Woolcot. Other memorials similar to this were presented from time to time, and such prayers granted or denied. It was not until

December 29, 1804, that the consideration of divorce applications was placed in the hands of the courts. For years afterward, however, the General Assembly exercised this power.

Two weeks after the session began the General Assembly elected the subordinate state officers—William Creighton, Jr., as secretary of state; William McFarland, as treasurer, and Thomas Gibson, as auditor. These three, with the governor, comprised the executive department. On April 1st the first two United States Senators from Ohio were elected in joint session. They were John Smith, of Cincinnati, and Thomas Worthington, of Chillicothe. Both figured prominently in later events—Smith as the unfortunate object of suspicion of complicity with Aaron Burr, whom he met, as vice president, during the term in the Senate he was just now about to enter upon, and Worthington as a distinguished senator during the terms of Jefferson and Madison, later as governor of Ohio, and always as prominent in many activities which were advantageous for the state and redounded to his own fame.

The judicial system was organized early in April. The constitution required the General Assembly to appoint three Supreme Court judges, president judges for three districts into which the state was divided, and associate judges for each of the counties. All these judicial offices were filled by the legislators at this time. The Supreme Court judges were Return Jonathan Meigs, Jr., Samuel Huntington, and William Spriggs. Meigs and Huntington were later governors of Ohio, and all three had brilliant careers in stations judicial and otherwise.

The original nine counties were, of course, entirely too large in area for convenient local government, and as the population was rapidly increasing by the arrival of emigrants from other states, smaller governmental units became necessary. Eight new counties were defined and established—"erected" is the word used in the laws—Butler, Columbiana, Franklin, Gallia, Greene, Montgomery, Scioto, and Warren.

An act was passed fixing the annual salaries of the state officers. The governor was allowed $900; the Supreme Court judges, $900 each; president judges of the Common Pleas courts, $750 each; auditor of state, $750, and treasurer of state, $400. Members of the Legislature were allowed $2 per day and $2 for each twenty-five miles they traveled in going to and returning home from the capital.

All the acts mentioned above were of routine character, necessary to set in motion the governmental machine. But, although it was in session less than seven weeks, and it was necessary to devote most of its time to these details, nevertheless the General Assembly passed a few important laws of a different character. The first of these was one regulating marriages. It provided that male persons twenty-one years old, and female persons eighteen years old, not nearer of kin than first cousins, might be joined in matrimony, and also males of eighteen and females of fourteen if their fathers, mothers, or guardians consented. The act provided a complete code of marriage licensing and public notice, and required the official performing the ceremony to make due return within three months, under $50 penalty. If any person celebrated a marriage contrary to the law such person was subject to a fine of $1,000.

Beginnings were made in laws for punishing crime, for regulating taverns, for establishing system of education, and for supervising elections, but not much progress along these lines was made at the first session. A general enactment was made that all laws which had been in force under the territorial government were to remain in effect unless they conflicted with the new constitution or with the new laws passed.

The first volume of the statutes of Ohio was published as soon as possible after the adjournment of the General Assembly, and copies were distributed to the courts, state and county officials, etc. The laws were designated as "Chapters." Most of them, of course, were of a routine character, but some of them are interesting as throwing further

Mississippi Valley in 1801

light upon the conditions of the times and also as showing the attitude of our first law makers towards their responsibilities and duties.

They were more than conservative in the salaries they allowed both the highest and lowest officials, and they certainly could not be accused of being "salary grabbers," for they were content, as before noted, to allow themselves $2 per day—for such days as they actually served—and $2 for each twenty-five miles they traveled in going to and from Chillicothe while attending the sessions. Their travel was almost entirely on horseback. Roads permitting travel by carriages hardly existed at all, and practically their only "highways" were bridle paths through the forests. They could find little, if any, accommodation at taverns, and they must depend upon the hospitality of the cabins—few and far between in many sections—of the settlers for food by day and shelter by night.

The members of the convention which had drafted and adopted the state constitution the previous November had as yet received no compensation for that distinguished service, and the fifth chapter of the laws now passed appropriated $2 a day for each of these constitution builders, with an additional 10 cents a mile to cover their traveling expenses by the most direct routes to the sitting of the convention and back home again.

Within less than a month after the General Assembly convened for the first session, it adopted the seal of Ohio of a design which has been but once altered. On March 25, 1803, it passed Chapter Seven, for this purpose. The seal for use by the state was to be two inches in diameter, that of the Supreme Court one and three-quarter inches in diameter, and that to be used by the counties one and one-half inches in diameter. The secretary of state was authorized and directed to have them made, and $175 was appropriated to pay the bill. The words of the law describing the design of the seal are as follows: "On the right side, near the bottom, a sheaf of wheat, and on the left a bundle of seventeen arrows, both standing erect; in the background, and rising above the sheaf and arrows, a mountain, over which shall appear a rising sun."

The enumeration of white males above twenty-one years, required by the constitution to be taken during the following summer, was provided for by Chapter Twenty-three of the laws. It was to be done by "the listers of taxable property" in the several townships, commencing on the 1st of August, 1803, and to be finished within thirty days. If one of them failed to make his return, or made a false return, he was to forfeit the sum of $30. The listers were to make their reports to their county clerks. They were to receive $1.25 per day for their services, and 8 cents a mile was allowed for travel to the county seats to make their reports. This was a very considerable item, for most of the counties covered very large areas. County clerks were to forfeit $300 for failure to make returns to the state authorities of the aggregate numbers of voters in their respective counties.

Chapter Twenty-four described the manner of holding elections. The provisions were very crude compared with modern methods. Each township was made an election district, and the courts designated the voting houses, as near to the center of the townships as possible. These houses were, of course, in almost all cases, homes of settlers. At 9 o'clock on election morning the voters who had congregated were to choose three judges, and these three were to select two clerks, who were themselves to provide the poll books. The sheriff of the county was to provide the box, lock and key. In the lid of the box there was to be an aperture through which the "tickets" (the word ballot was not yet in use) could be pushed, and beneath this aperture was to be placed "an iron spring bolt so as to close the aperture and exclude the admission of anything into the box after the close of the polls."

Voting was to begin at 10 o'clock in the morning and end at 4 in the afternoon. The "tickets" were either written or printed. Exact instruc-

tions were provided for counting the votes by the judges, stringing the tickets on a thread, recording results in the two poll books, and sending the returns to the county clerk within five days after the election was held. And there was a drastic provision to prevent bribery:

"If any person shall, either directly or indirectly, give or promise any meat, drink, or any other reward with an intention to procure his election, or the election of any favorite candidate, he shall be rendered incapable for two years to serve in the office for which he is a candidate, and also forfeit and pay for every such offense a sum not exceeding five hundred dollars; and if any elector shall corruptly receive such meat, drink or other reward he shall forfeit and pay for each offense a sum not exceeding one hundred dollars."

Barbecues and whiskey in a flask on the hip were likely to prove expensive to candidates and workers as promoters at elections in those days. It did not seem to be considered that paying money at so much a vote need be specifically mentioned as an offense to be expected or provided against.

Among the appropriations made at this session, the following are illuminating as to the primitive requirements for the year 1803: "Seventeen dollars for fire wood furnished to both houses; two dollars and seventy-three cents for a set of fire irons for the use of the senate; six dollars and fifty cents for a table for use of the clerk in the house of representatives."

Thomas Worthington, who had been sent to Washington the year before as special agent to endeavor to secure favorable action in Congress to admit Ohio as a state, was paid $582 by the General Assembly for services and expenses in that regard.

Shortly after the adjournment of the Legislature on April 16th, the settlers were greatly alarmed by an incident which for a time threatened them with new troubles with the Indians. Since the treaty of Greenville, in 1795, there had been little or no fear on this score, although the Indians were still numerous, even in those sections which were most thickly settled by the whites.

In the spring of 1803 the dead body of Captain Harrod, a well known and greatly respected settler who lived a few miles west of Chillicothe, was found in the woods near his home. He had been tomahawked and scalped, and although this seemed to have been the act of Indians there were many who believed the murder to have been done by a personal enemy, of the white race.

Several days later David Wolfe and two companions named Williams and Ferguson met a Shawnee chief named Waw-wil-a-way, an old and faithful hunter for General Massie, who was known and beloved as an unwavering friend of the whites. As they separated, after a short talk, and as soon as the chief's back was turned, Wolfe shot him through the body. Although mortally wounded, the chief turned on the whites, shot and killed Williams, stabbed Wolfe, and knocked Ferguson down with Wolfe's gun. But he expired before he could finish the two men, now disabled and at his mercy.

The killing of Waw-wil-a-way created great alarm, both among the whites, who knew not what the Indians might do in revenge, and among the Indians, who were fearful of a spread of hostilities against them. The white men, women and children fled to the settlements for safety, and the Indians congregated in the heart of their own country, at Fort Greenville. Fearing a general uprising, General Duncan McArthur, with a large number of men hastily summoned, went to Fort Greenville and held a council with the Indians. The red men declared their purpose to abide by the treaty made eight years before, and the soldiers returned to Chillicothe, accompanied by the celebrated chief, Tecumseh, who made an eloquent speech there in favor of continued peace.

The fears of the settlers were thus allayed, and they returned with their families to their clearings and their cabins.

First State House of Ohio

Second Legislative Session

December 5, 1803, to February 17, 1804

Gen. Nathaniel Massie was again elected speaker of the Senate, and Elias Langham, also of Ross County, was speaker of the House of Representatives.

On December 6th Governor Tiffin's second annual message was received and spread upon the journals of both Houses. He touched upon the matter of the Louisiana Purchase, recently made under the direction of President Thomas Jefferson. There was some doubt whether Spain would acquiesce in the cession of the territory by France to the United States, and this was a matter of concern in Ohio. In his message Governor Tiffin asked the Legislature to take such steps as would enable him, on requisition of the President, to send a regiment of at least 500 men to take possession of the territory "should the officers of the Spanish Government either refuse or delay to give it up agreeable to treaty." The governor also asked for a revision of the land tax law, suggested methods of electing justices of the peace in the counties, recommended a new and more equitable apportionment of senators and representatives in the Legislature, establishment of a method of choosing electors of the President, and the repeal of certain laws of the old territorial government which were at variance with the provisions and purposes of the new constitution.

Early in January the two Houses, in joint session, elected majors general and quartermasters general for the four military divisions of the state. This was a constitutional requirement. It was the beginning of a military establishment which was later to play a highly important part in the affairs of the state.

With the nine original counties and the eight new ones erected at the previous session, there was now a total of seventeen. In compliance with the constitution there had been an enumeration of "all free white male citizens above the age of twenty-one years" in the respective counties, and the report of this enumeration was now made to the General Assembly. It was for the year 1803, and was as follows:

County—		County—	
Adams	906	Hamilton	1,700
Belmont	1,030	Jefferson	1,533
Butler	836	Montgomery	526
Clermont	755	Ross	1,982
Columbiana	542	Scioto	249
Fairfield	1,050	Trumbull	1,111
Franklin	240	Warren	844
Gallia	307	Washington	1,246
Greene	446		
		Total	14,762

This enumeration of voters indicated a probable total population of almost, if not quite, 70,000. The figures are of exceeding interest as showing definitely the small beginnings of communities which have since become so powerful in population, wealth and achievements. The largest county in point of population was Ross, and Chillicothe, its county seat, doubtless seemed to the men of that day as destined to become a city of great consequence. The smallest was Franklin, and the county seat, Franklinton, has since become a small part of the "West Side" of Columbus. The name of Columbus did not appear on the map until nine years later. Trumbull County was the fifth in population, and Cleveland, already located within its borders, was then almost entirely unknown. Montgomery County had 526 voters—the great City of Dayton is surrounded by it. Hamilton County had fewer people than Ross—but Cincinnati was in it. More than twenty-five years later

Toledo had a population of less than 100. It was then in an Indian reservation, and not one white voter was reported as residing in it.

There was a vigorous discussion in the House of Representatives over the request of Governor Tiffin concerning the Louisiana Territory, and the resolution commending its purchase was passed by the closest possible vote—fifteen to fourteen. It did not give him authority to send the regiment asked for "to take possession of the lately ceded territory should the officers of the Spanish Government either refuse or delay to give it up." It merely said that "the measures taken by the Government of the United States to secure to the citizens the free and uncontrolled navigation of the Mississippi River, and to obtain the right to and possession of the Province of Louisiana, merit the approbation of this assembly." And even after the adoption of this very mild expression of approval, notice was given by two members that a protest against the action would be filed for record on the journal. This protest, signed by thirteen members, was so filed. In it they declared that it was "inconvenient, useless, and absurd for a legislative body, convened for useful, necessary legislation, to confer faint and unavailing encomiums on the constituted powers for performing that which they are required to do by constitutional application."

It is easy to believe that the thirteen legislators had some reason for their protest other than the one they gave, but the records do not throw any further light on the subject.

On December 24th (they did not adjourn for the holidays in those early times) Governor Tiffin sent a special message to the Houses transmitting for ratification or rejection a proposed amendment to the Constitution of the United States. It referred to the method of electing the President and Vice President. The action of Congress submitting this amendment to the state legislatures had resulted from the difficulties incident to the contest of Thomas Jefferson and Aaron Burr after the election of 1800. Each of these men had received seventy-three electoral votes, and the contest thus thrown into the Congress had created a dangerous situation. The original Constitution gave the presidency to the candidate receiving the highest number of electoral votes, and the vice presidency to the one receiving the next highest number. The amendment now proposed would require each elector to vote for one for President and for another for Vice President.

The submission of this constitutional amendment to the Ohio Legislature precipitated another controversy, and the bill to ratify it was passed in the House of Representatives only after considerable difficulty. In the committee of the whole House it was recommended that the amendment be rejected, and the vote in the session which followed was a tie—fourteen to fourteen. Subsequently the vote was reconsidered, the bill recommitted to the committee for some changes, and it was finally passed by a unanimous vote.[1]

An act was passed creating "Livingston" County. It was carved out of territory contained in Washington and Fairfield counties, but before final action on it the name was changed to Muskingum. The county seat was Zanesville, which later became the capital of the state for a time.

By an act of February 3, 1804, aliens were empowered to own and hold real estate in Ohio. Glowing reports of the fertility of the soil, the salubrity of the climate and the wonderful opportunities offered to acquire independence in the new state, had spread not only through the

[1]The legislative procedure with reference to this amendment was as follows: In the previous session, April 16, 1803, a resolution was adopted instructing Ohio's senators and representatives in Congress to favor the submission of such an amendment. By an act of the General Assembly the amendment was ratified December 30, 1803; and by a resolution the governor was requested to forward a copy of the act to the speaker of the House of Representatives of the United States. In recent years ratification has been by resolution alone, which is forwarded to the secretary of state of the United States.

East, but also in Europe. Many foreign immigrants were arriving—most of them of a highly desirable quality—and this law enabling them to buy land was recognized as being for the best interests of the state. Under it many thousands of English, Scotch, Irish and German farmers became settlers, and they were welcomed on the same footing as native Americans.

The courts were now functioning, and it became necessary to enact a law that would make sure that lawyers were competent to practice in them. On February 4th of this session, the legislators took steps to that end. The act then passed provided that a candidate for admission to the bar should appear before any two judges of the Supreme Court, who examined him orally, or appointed others learned in the law to act as examiners. If it appeared that he was a citizen of the United States, if he produced a certificate of good character from some practicing attorney of the state, and if he showed in his examination that he was properly qualified, he was admitted to practice. The judges evidently took great care to see that incompetents were not admitted, and the bar of Ohio became famed for its brilliance at an early date in its history.

It was in the act of February 18, 1804, that the first tax was levied. It was an assessment on real estate exclusively—the original and probably the only "single tax" law in Ohio. There was comparatively little personal property and probably no "intangibles" at all. The land was divided into first, second and third quality, and assessed uniformly according to the three qualities of value. As time went on this system proved unsatisfactory, and methods of taxation became a vexing problem to both legislators and taxpayers, as it has been ever since. Many amendments were made to the law within a very few years.

Imprisonment had long been regarded in England and America as the only proper punishment for debtors, and Ohio, of course, made no exception to this practice. But reading of an Ohio enactment, dated February 17, 1804, then accepted as a matter of course but in some details very repulsive to the modern mind, discloses that debtors were not expected to associate with other prisoners and that special provision was made to keep them segregated while in confinement:

"There shall be erected in each county a good and convenient court-house, and a strong and sufficient jailor prison, for the reception and confinement of debtors and criminals, well secured by timber, iron bars and grates, bolts and locks, and also a pillory, whipping post and so many stocks as may be necessary for the punishment of offenders; and every jail so to be erected shall consist of not less than two apartments, one of which shall be appropriated to the reception of the debtors, and the other shall be used for the safe keeping of persons charged with, or convicted of, crimes."

The first general road law, passed after Ohio became a state, bears the date of February 17, 1804. It was amended and strengthened by a similar act passed almost two years later.

Evidently the Assembly held some night sessions, for we find among the appropriations one "To Edward Sherlock, door keeper, for six pounds of candles furnished for the use of the senate, one dollar and fifty cents." The period of kerosene lamps would not arrive for many years yet, to say nothing of illuminating gas and electricity.

Adam Betz, door keeper of the House of Representatives, also received an appropriation of $3.25 for fire wood and candles, and one Robert Parish was paid the large amount of $57 for fire wood used in both the House and Senate.

The General Assembly thought the state could get along during the next fiscal year with an expenditure of $20,215.38, based on estimates made by its officers, and it appropriated that amount. But it really needed only $18,859.83, and there was a surplus left in the treasury at the end of the year.

Already the raising of cattle and other livestock had begun in some

parts of the state. The remoteness of the settlements from the markets made the price of grain so low that it could not be sold at a profit, and the best disposition that could be made of it was to feed it to cattle. In this year of 1804 the first herd of cattle ever sent out of Ohio was driven over the mountains to Baltimore by George Renick, of Ross County. The business then commenced soon to grow to large proportions, and such drives became quite common. Bull's Tavern, in New York, where the drovers always stopped when in that city, became a household word in the backwoods of Ohio.

Third Legislative Session

December 4, 1804, to February 22, 1805

As before noted, the state constitution required annual elections of all members of the Lower House of the General Assembly, but the senators were elected for two-year terms, half of them each year. At the first session selection had been made by lot of those for one-year and those for two-year terms. When the third session began all members of the Senate had been elected for two years. A number of senators were new, and a corresponding number had disappeared. Similar changes had occurred in the House at the second session. But in both Houses many were still there who had been present from the first; and some of them continued to return for a good many years thereafter, by reelection. Many of the ex-members were on later rosters of other officials, particularly on the lists of judges.

The speaker of the Senate was Daniel Symmes, but he later resigned and was succeeded by James Pritchard. In the House of Representatives Michael Baldwin was again speaker. Governor Tiffin's annual message recommended that the Legislature should give to the state an entirely new criminal code, the statutes in that respect being much confused by conflicts between the old territorial laws and those under the new state government. He also strongly urged measures to promote education. Both of these recommendations led to important enactments.

The Legislature was notified that one of the men whom it had appointed a judge in Muskingum County was not a resident of the state and could not take the office. Not important to history, but interesting as showing the newness of things. Probably the man's name, even, was utterly unknown to any member of the body which had appointed him.

Matters pertaining to slavery occasionally occupied attention. One of these now came up. The Legislature of Massachusetts had adopted a resolution proposing an amendment to the Constitution of the United States which would apportion to the slave states a number of congressmen based purely upon the number of free white inhabitants, and not including "three-fifths of all other persons"—meaning slaves. The placing of the amendment as part of the Constitution would have greatly reduced the number of congressmen from the slave states. This resolution adopted by the Massachusetts General Assembly was sent to the legislatures of other states, including Ohio, for approval and endorsement. But a joint resolution of the General Assembly at Chillicothe, adopted by a vote of twenty-seven to one in the House, and by eleven to two in the Senate, declared it "inexpedient" so to amend the Federal Constitution. Ohio was not yet ready to enter upon any radical measures in opposition to the slave-holding power. The action was duly certified to the Legislature of Massachusetts.

The presidential election of 1804, the first in which Ohio had participated, had occurred in November, and Governor Tiffin officially notified the General Assembly that William Goforth, James Pritchard and Nathaniel Massie had been elected to cast the electoral votes for this state. They were, by formal resolution, allowed the use of the hall of the House in which to hold their sessions. They cast their votes for Thomas Jefferson, whose second term began the following March.

There was much ado over proceedings to impeach William W. Irvin, one of the associate judges of Fairfield County, who was accused of "a high misdemeanor and neglect of official duties." From the records it would appear that the only definite charge against him was that he had "absented himself from the court, in consequence of which all further proceedings in said court for that term were finally stayed, and after waiting for his return until the third day of the term aforesaid, and he not appearing, the president judge was necessitated to adjourn said court." It is curious to note the importance attached to this case. Judge Irvin was summoned to appear before "The High Court of Impeachment" members of the Senate, on the 5th of the following December—eleven months in the future—during which interval it is presumed the proceedings in the Fairfield County Court would have to be suspended. The trial then lasted two weeks, and was participated in by all the members of the General Assembly, the House as prosecutors and the Senate as judges. Judge Irvin was declared guilty, and he was removed from office. There seems no way of accounting for this great waste of time over what must have really been a comparatively trivial case.

The official printer for the state was one N. Willis, now as during the two years previous. The year of this session he did not have the printing of the laws finished as early as he had been ordered to do by the Legislature, whereupon he was "called on the carpet." His excuse for the delay was that he had found that he needed more paper than he had expected, and that when his supply was exhausted it required several weeks to procure more. One can imagine the troubles of a man trying to get quick deliveries of print paper in Chillicothe in 1804. At any rate, the investigating committee found his explanation reasonable, and a full report of the inquiry was spread upon the journal of the Senate.

Under the territorial regime preliminaries had been taken looking to the foundation of a university at Athens, but up to this time the project had made no progress. The governor now sent to the Legislature a report, made by Gen. Rufus Putnam, of sales of "house and out lots" surveyed by him from the lands, "upwards of 11,000 acres," appropriated to the university. The money realized on this sale amounted to $2,223.50, the average price of "house lots" being $44.33, and of out lots 39 cents.

Judge Return Jonathan Meigs now resigned from the supreme bench, and the Legislature elected Daniel Symmes, speaker of the Senate, in his place. Judge Meigs' resignation was necessitated by his appointment to do important work for the United States in the St. Charles district of the northern part of the Louisiana Territory. His departure from Ohio at this time was the cause of future troubles for him, for it enabled enemies to prevent him from becoming governor of Ohio four years later, after he had been elected to the office, on the ground that he was no longer a citizen of the state.

The pioneer character of the times was indicated in a long discussion concerning wolves and panthers which were very numerous. No means were found for eliminating them at the time, but important legislation upon the subject was passed later.

During this session three more new counties were created—Highland, Athens and Champaign, and Scioto County was enlarged.

Governor Tiffin's recommendation of an entirely new criminal code was fully complied with. The Crimes Act of 1805 consisted of thirty-eight sections. By comparison with legislation in effect 100 years later that first code appears barbarous, but at the time it became law it was regarded by many as too lenient and as conceding too much in the direction of mercy.

The death penalty was inflicted for five different crimes—treason against the state, murder, rape, malicious maiming, and arson with malice where life was destroyed or put in peril.

Manslaughter, strange to say, could be atoned by paying a fine of $1,000 and going to prison a maximum of two years.

Attempted assault upon a female incurred a penalty of thirty-nine lashes "on the bare back at the whipping post," two years' imprisonment, and a fine of $1,000.

Arson without malice, and where life was not shown to be in danger, incurred full restitution of the value of property burned, a fine of $1,000, and not more than two years' imprisonment.

Maiming without malice, as in an affray, was punishable by a fine of not exceeding $1,000 and imprisonment not exceeding two years. This was intended to discourage slashing with knives, gouging out eyes, biting off ears and noses, etc., in rough and tumble fights.

The penalty for committing perjury was a fine of not more than $1,000, imprisonment for not less than twelve months, besides disfranchisement and denial of right to hold office or serve on a jury. Refusal to testify was also made a penal offense punishable by a fine of $100, or imprisonment not exceeding six months. It was by these two provisions that the courts were expected to be able to get the truth, the whole truth and nothing but the truth, on any and all occasions.

A fine of $1,000 and disfranchisement forever were to be meted out to bribers.

Forging, counterfeiting and altering bills, credits, notes, etc., subjected the culprit to thirty-nine lashes on the naked back, a fine in double the amount of the forgery, imprisonment not to exceed two years, and disfranchisement forever. Other penalties were imposed as follows:

Ordinary burglary—$500 fine and one year in prison.

Robbery—Fifty-nine lashes on the bare back (one hundred if convicted a second time), a year in prison and a fine not exceeding $500.

Larceny—Fifteen lashes for the first offense and thirty for the second. Receivers of stolen goods received the same punishment.

A person challenging another to fight a duel with deadly weapons was fined $2,500, was obliged to give security for good behavior during life, and was disqualified to hold office. If unable to pay the $2,500 fine he was imprisoned for ten years. Any one carrying the challenge was subject to the same penalties. And all this, even though no duel was fought.

Undoubtedly the section applying to dueling was placed in the law under the excitement of a wave of public horror which had spread over the whole land after the killing of Alexander Hamilton by Aaron Burr in July preceding the enactment of the Crimes Act. Prior to that time dueling was common in the United States, was indulged in by prominent and highly honorable men, and was regarded as the best possible way of settling personal differences among gentlemen, so long as the "code duello" was strictly adhered to.

The death penalty was inflicted by hanging. The executioner was the sheriff of the county in which the crime was committed. It was also the sheriff's duty to lay the lashes "on the naked back at the whipping post."

Such was the "mild and lenient law," to which many people objected as not sufficiently severe, provided for the punishment of the criminals among our forefathers in Ohio, in 1805. Perhaps the objectors thought the methods of dealing with criminals in England were the only proper ones to pursue. Not many years before 1805 crime was punished there according to a ferocious code. In his description of the ways in England toward the end of the eighteenth century, Charles Dickens included this sentence:

"The hangman, ever busy and ever worse than useless, was in constant requisition; now stringing up long rows of miscellaneous criminals; now, hanging a housebreaker on Saturday who had been taken on Tuesday; today taking the life of an atrocious murderer, and tomorrow of a wretched pilferer who had robbed a farmer's boy of sixpence."

The first license law was also passed in this session. It applied to ferries, taverns and stores. The principal interest attaches to the regulations of taverns and tavern keepers. They were not permitted, under penalty of a fine of $20 and revocation of license, to allow "any kind of betting, gaming for money or other article of value, either at cards, dice, billiards, bowls, shovel board, fives, or any other gaming device." Nor could they be given a license to sell "wine, spirituous liquors and strong drink" if twelve free holders in the township made objection in writing. This was the original anti-liquor law of the state. And if a tavern keeper sold liquor on Sunday his license would be revoked on Monday—according to the law.

This Legislature passed a measure which within a few years proved to be of more importance than any other up to that time. It established the state militia on a firm basis, providing for its organization and discipline. As will appear in its place, without the military force authorized under the law referred to, and others which followed, the War of 1812 would probably have had a different termination.

When the Legislature adjourned on February 22, 1805, its members and the people had the satisfaction of knowing that much had been accomplished. A great amount of work had been done in winnowing out the best in the patch work territorial statutes, and in placing the state on a much firmer foundation.

Appropriations made by this Assembly still further manifest the primitive conditions of the state. It cost $60 to send the three presidential electors their certificates of election, and their salaries and expenses in coming to Chillicothe to cast their votes for Thomas Jefferson were: "Goforth fifty dollars, Massie (who lived there) twenty-five dollars, and Pritchard sixty dollars."

Furniture was cheaper than might be expected even in that day of low prices, considering that it had to be made entirely by hand by skilled workmen. Robert Steele furnished two desks and a table for the use of the General Assembly, and his bill for the three pieces was only $15.25.

The majors general, who had spent much time in organizing the militia, were allowed the munificent sum of $75 each for their year's services.

Six per cent was made the legal rate of interest for borrowed money, and usurers were to forfeit the full amount of loans made at a higher rate. One-half was to go to the counties where they lived and the other half to the informers.

Bets and gaming contracts were made void by the Assembly, and need not be paid. Drunkards making a noise or disturbance were fined $2; cock fighting for money was punishable by fines of $10.

Any person found on the Sabbath day "sporting, gaming, rioting, quarreling, hunting, horse racing, shooting, or doing common labor, or molesting any religious society" was fined not exceeding $5. But the law included a curious exception in the matter of common labor: "Provided, That nothing herein contained shall be so construed as to prevent families from traveling, watermen from landing their passengers, or ferrymen from conveying over the water travelers or persons removing with their families on the Sabbath day."

Nothing was allowed to impede the progress of the incoming settlers.

A law remarkable for its wording was placed on the statute book of this year: "If any person of the age of fourteen years or upwards shall profanely curse, damn or swear, by the name of God, Jesus, or the Holy Ghost, he shall be fined fifty cents for every such offense."

It is difficult to understand that it was regarded necessary to pass two of the laws enacted in January and February. They indicate the presence of a kind of lawlessness almost inconceivable in later times. One of these does not seem to have been looked upon as a crime. It provided that "if any person shall cut, fell, box, bore, or destroy any black walnut, black, white, yellow or red oak, poplar or white wood, wild cherry,

white or blue ash, yellow or black locust, chestnut, coffee, pine or sugar tree or sapling," growing on land not his own, without the consent of the owner, he "shall forfeit and pay to the owner for every tree, a sum not less than twenty-five cents nor more than ten dollars," and if it was any other kind of tree than those named he should pay not less than twelve and one-half cents nor more than three dollars each, at the discretion of the court. Trees were certainly cheap in 1804-05.

The other law referred to was enacted on February 11, 1805. Under it any person setting fire to a woods or prairie, or allowing fire in his own woods or prairie to pass to those of another, to his injury, was subject to a fine of fifty dollars, and be liable to damages besides on a suit brought by the one injured.

It was enacted that debtors could by petition go through insolvency proceedings in the courts and that this person should "forever after be privileged from imprisonment for any debt due and owing by him at the time of filing his said petition."

Fourth Legislative Session

December 2, 1805, to January 27, 1806

James Pritchard, of Jefferson County, was the speaker of the senate during the session of 1805-1806. John Sloane, also of Jefferson County, was speaker of the House. Sloane was only twenty-six years of age at that time and was at the beginning of a career of importance—Receiver of United States Moneys for some years, colonel of militia in the War of 1812, member of Congress four successive terms, Secretary of State for three years, and United States Treasurer from 1850 to 1853.

On the second day the two Houses met in joint session to canvass the vote for governor which had been cast the previous October, and declared that Governor Tiffin had been reelected, having received 4,783 votes with none cast for any other person. Thus he was twice elected governor unanimously—the only instance of the kind in the entire history of the state. The number of votes was very little larger than that of two years before, which indicated even greater apathy on the part of the voters since many thousands had been added to the state's population in the meantime.

During the three preceding sessions, as before noted, there had been many contests in the legislature for the right to sit as members. Generally speaking, they were unimportant, and very little time was taken in deciding them. One arose now, however, which created considerable interest, and the record of it is useful as throwing light upon the political methods of those primitive times. William James, of Fairfield County, brought a contest against Robert Cloud, and the committee on privileges and elections devoted some time to its consideration. The returns showed that James had an actual majority of four votes in the county, but that only two of the three judges in each of the Clear Creek and Amanda Township districts had signed the official reports of the vote. The former township gave Cloud four majority and the latter gave James ten. Cloud's majority in the other four townships of the county was two. The clerk of the county court, doubtless a partisan of Cloud, had thrown out the vote of the two disputed townships and had given the certificate of election to Cloud. The legislature took several votes on various technical motions made, but they finally gave the seat to Cloud.

Governor Tiffin, for the first time, delivered his annual message in person, which was an unusual proceeding in legislative sessions in the country. And it was so unusual in legislative assemblies of the states and the nation for more than one hundred years afterwards that when President Woodrow Wilson revived the practice before Congress in 1913 it was regarded as almost revolutionary.

The officers of the State Government were reelected, but this time there were some real contests for the honors. They were: William

Congressman Jr., Secretary of State; William McFarland, Treasurer of State, and Thomas Gibson, Auditor of State.

Again Ohio was asked to ratify an amendment to the Federal Constitution. This was a proposal that federal judges might be removed from office by a majority vote of both houses of Congress sitting in joint session. The Ohio Legislature approved it, but it did not receive the required 42 ratifications, and thus failed. The proposal illustrated that Congress was indignant over the power assumed by the Supreme Court to declare laws null and void on the ground that they conflicted with provisions of the Federal Constitution.

One more county was established at this session—Lorain, carved from territory included in Trumbull County. The northwestern part of the state was growing in population and many more new counties were created there during the next few years.

Wild animals in the Ohio forests were a great menace to the people, and at various times means of promoting their destruction in both states. The first definite law pertaining to it was passed December 31, 1803. It authorized county commissioners to offer rewards for the scalps of wolves and panthers, under a flexible scale ranging from 50 cents to four dollars per scalp. In order to collect the reward money the hunter had to show that the killing occurred within ten miles of some white settlement and the scalps, with ears attached, should be presented to a justice of the peace of the township in which the animal was destroyed, within forty days thereafter. If the wolf or panther was more than six months old the reward was to be not more than $4.50 nor less than $1.50. If less than six months old the amount to be paid might be as low as 50 cents. This law proved to be very effective, although the wild animals were not extinct in the state until many years afterwards.

A general law for opening and maintaining roads, perhaps the greatest and most pervading need of the settlers, was enacted January 22, 1804. It contemplated the maintenance of adequate road ways to keep pace with the change away of the wilderness. They were to be built partly at state expense, partly by contributions of labor or its equivalent by the adjacent owners and partly by the revenues derived from the United States Government, from the land sales, donated by Congress for the purpose. Within a comparatively short time more than one thousand miles of roads were ready. Most of them were hastily and wonderfully made, no doubt, but that was best and law was the guide from which the marvelous highway system of Ohio has since been developed.

The roads then provided for were over the following routes: From New Lisbon to the Muskingum River; from Yellow Creek to the Indian town of the Greek; from Lancaster, via Hamilton, to the west line of the state; from Chillicothe to Athens; from Cleveland to the portage on the Cuyahoga River; from Lancaster (then officially named New Lancaster) to Franklinton; from Manta to the Chillicothe Road; from Chillicothe to Springfield; from Todd's Fort to Cincinnati; from Portsmouth to Chillicothe; from Hamilton to the mouth of the Great Miami; from Marietta to the line between Belmont and Washington counties; and from New Comerstown to Morristown.

This made a very fair showing for the central, southwestern, southern and eastern parts of the state, which parts were then most thickly populated. The roads relieved thousands of people from the great hardship of almost complete isolation and inaccessibility. The amount of money appropriated for all this work was $14,725, and the commissioners were not to charge more than 10 per cent over the amount appropriated. In particular, they had to provide sufficient bridges, gates or permanent and special contracts for the maintenance of roads. Many more have been required to provide for those opened since.

The state expenditures for this year, as shown by the treasurer's official report to the general assembly, were $88,786.94. The balance in the treasury was $[illegible].

The appropriations made this year included the usual items for candles, fire wood and furniture, salaries of officers, etc. But a preliminary appropriation was made which indicated very clearly that the members did not have enough ready cash in their pockets to see them through the session. On December 27 they appropriated thirty-five hundred dollars for themselves and their officers "in part of their wages for the present session."

The act establishing standards of weights and measures passed this session was an interesting document. It empowered the Governor to procure from the officials of Pennsylvania duplicates of weights and scales adopted by that state, as well as the measures of the foot and the yard, to be used as the official standards in Ohio, and enacted that "the bushel, dry measure, shall contain two thousand one hundred and fifty and two-thirds solid inches, and the gallon of wine measure two hundred and thirty-one solid inches." Duplicates of the official weights and scales and measures were to be distributed among the counties of the state, and it was decreed that, after six months, any person selling commodities by weights and measures less than the standards should forfeit and pay a sum not exceeding ten dollars. The act was passed December 23, 1805. It was repealed February 19, 1808.

But for some reason not known, the enforcement of the law was suspended until the beginning of the next session—December 4, 1806. At that time fifteen hundred dollars was provided to cover the cost of putting it into effect.

The new road law now passed was a general one, describing in great detail all the steps in determining and constructing the highways. It contained some features which seem curious now. Petitions for new roads were made to the county commissioners, who had surveys and "views" made, and if they did not think it advisable to construct the roads asked for, all the expense of the surveys and views were charged against the petitioners. Under these circumstances purely selfish requests were not often made—the commissioners would authorize only such roads as were "of general and public utility to the citizens of the county at large." On the other hand, people objecting to a proposed road had to pay the expenses of the views and surveys if their objections were over-ruled. The wages paid for the surveys were not great, however, judged by modern standards, since the surveyors received only one dollar and twenty-five cents a day, and chain carriers sixty-five cents a day. Disinterested land owners who did the "viewing" were paid eighty-five cents a day each.

Any one who wished to lay out a "cart way" on his own land could do so at his own expense, but must not make the cart way more than twenty feet wide.

The labor of making the public roads was performed by white men over twenty-one years old, all of whom were compelled to give one day's labor a year without pay, and to provide their own "necessary and common articles of husbandry" (thus the law described pick and shovel) while doing it. If any man refused to go to work on the road under this arrangement, or if when there he idled his time away, he had to pay $1 "to be recovered by action of debt brought before a justice of the peace by the supervisor of roads, first having made a demand for same." Road taxes were also imposed, in addition to the labor required, but this tax could be worked out at the rate of 67½ cents per day.

The road supervisors were allowed by the law to go upon lands which lay along the road, to take loose stones, dig gravel, sand and stone, also to dig ditches there which were necessary to the road, but it was required that in doing this he must do as little damage to the land as possible. He also had to erect posts at the forks of every road, "containing an inscription in legible characters directing the way to the next town or public place on each road," and any person defacing or destroying these guide-posts forfeited $20 to the supervisor. If any one obstructed a road and

allowed the obstruction to remain he had to forfeit $10. The supervisors, who had unusual responsibilities on their shoulders, received 85 cents a day wages "and such other compensation as the township trustees shall think reasonable"—and no doubt their ideas of the word "reasonable" were low enough.

Such were the beginnings, in 1805 A. D., of the highways which in the following century were covered with asphalt and concrete, at an expense of scores of millions of dollars, on which rolled hundreds of thousands of superb horseless vehicles of which the original road makers could never have dreamed in their wildest flights of fancy.

On January 27 of this session an act was passed authorizing the Governor to appoint two commissioners who should act in conjunction with similar commissions from Pennsylvania, Virginia and Kentucky to explore the rapids of the Ohio River, near Louisville, and consider means of opening and improving navigation there. They were to determine as nearly as possible the cost of the work and arrive at a conclusion how much of the expense was to be paid by Ohio. This was a highly important matter at that time, and had been called to the attention of the general assembly by official communications from Kentucky. The "Falls of the Ohio," as they were commonly called, were a menace to navigation and hence a great hindrance to the transportation of the products of the four states to New Orleans. At the session of the following year Kentucky proposed a corporation to finance the necessary improvement and invited Ohio to take shares of stock in it, but the general assembly refused because of restrictions which would prevent Ohio from having as much control in the enterprise as Kentucky. For many years this problem hung on. A great deal of money was spent by a private company to build a canal around the danger point, but it failed, and not until later years was a remedy found.

The system of apprenticing children was the subject of legislation during this session, and the law passed was intended to eliminate abuses which had grown up. It was enacted that overseers of the poor, and parents, in "binding or putting out any child as an apprentice or servant," was required to have incorporated in the articles of indenture a provision that such child must at least be taught to read and write. And in case of "misusage and cruelty, refusal or necessary provisions or clothing on the part of the master or mistress," or "misdemeanor or ill behavior or failure to do his or her duty" on the part of the child, the matter was to be taken up before a justice of the peace, who should call in five disinterested free holders to hear all the evidence and determine the matter. They could also hear and determine complaints of masters and mistresses against their apprentices or servants for desertion without good cause.

It was not a day when child-labor laws protected defenseless children from abuse and injustice while at work.

Fifth Legislative Session

December 1, 1806, to February 4, 1807

Thomas Kirker, of Adams County, was the speaker of the senate, and Thomas Scott the clerk of this session. Scott had been clerk at every session so far, as he had been of the constitutional convention of 1802. He was a candidate for secretary of state at the preceding session but had been defeated by Creighton. Abraham Shepherd was Speaker of the House of Representatives.

This session was filled with stirring and notable events. On the second day Governor Tiffin sent in a confidential message. Its nature was not publicly disclosed and it was considered behind closed doors for several days. When the ban of secrecy was lifted it became known that it related to the so-called conspiracy of ex-Vice President Aaron Burr and Harman Blennerhassett, which was then forming. The governor was

THOMAS KIRKER

Acting Governor January 1, 1807—December 12, 1808. Born 1760; died February 19, 1837. Member of the Constitutional Convention of 1802; member Senate, first Ohio General Assembly; member and speaker Ohio House of Representatives.

much exercised about it and the legislature took vigorous measures to defeat it and to thwart its execution so far as suppression of its activities in Ohio would do so. What these measures were, and their effect, appear in another part of this history.

A resolution was adopted by both houses placing the state on record as opposed to the further importation of slaves from the West Indies or the west coast of Africa, and it was forwarded to President Jefferson and the Congress. The federal constitution (section 9 of the first article) provided that "the migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808." This was a compromise arrived at in the constitutional convention after long debate between the delegates representing the slave states and the non-slave holding states. While it was not a mandate to Congress to prohibit such importation in 1808, there had been a growing agitation, now culminating in a demand upon Congress to prohibit the traffic, and hence this action of the Ohio legislators a year before the date when the prohibition could be made. Similar action was taken in many other states, and Congress did prohibit the further admission of slaves at the earliest time at which the constitution permitted it to be done.

There was another long trial of impeachment of a judge—this time of Robert F. Slaughter, president judge of the second district. He was charged with misdemeanor in that he failed and neglected to attend the courts of common pleas in the different counties constituting his circuit. The trial began on January 9 and continued from day to day for three weeks. Slaughter was found guilty and removed from office. The House records do not show, or give a hint, why so much time was consumed in the trial, but one can conceive that there was much politics involved.

There was a vacancy in the office of United States Senator for Ohio, the term of Thomas Worthington having expired, and Governor Tiffin was elected to fill it, being successful over five candidates before the legislature.[1] He resigned as governor, which placed Thomas Kirker at the head of the State Government by virtue of his being speaker of the senate.

At this session two more counties were set up—Miami and Portage.

The general assembly now began a system of establishing "commissions" to take charge of many affairs of a purely personal nature. In the first days of the state it had found time to supervise such affairs itself, but as population increased and private interests grew much more varied, it found it necessary to deputize and empower commissions for the purpose. Divorces, handling of estates, the care of widows and minor heirs, the administration of properties in other states belonging to residents of Ohio—these and many other interests were handled by the commissioners. Eventually, through the great multiplicity of them, complications arose which made the system impracticable. The problem was finally solved by the establishment of a uniform system under which the courts were given charge.

The Burr-Blennerhassett episode, introduced at this session by the Governor, as above related, became one of enormous interest to the officials and the people. However exaggerated the fear, or however mistaken most of the suspicion, an important result was the hurried passage by the legislature of an act "to prevent certain acts hostile to the peace and tranquility of the United States within the jurisdiction of this state," and making it the duty of the Governor to execute the law by force of the state militia. But the operations of the militia demonstrated its raw inefficiency and lack of discipline. The military department of the state had been established but a short time. It had officers appointed by the state authorities, but it now became evident that a much better organi-

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[1]Following is the vote by which Tiffin was elected: Edward Tiffin, 25; Philemon Beecher, 12; Return J. Meigs, Jr., 2; Tom Tuffs, 1; Tom Konkey, 1.

zation was necessary, and vigorous measures were taken to that end by the legislature. This was of pressing importance for another reason. The people of the United States were coming to believe that Great Britain desired to recover her lost possessions in America, and Ohio felt that strong military preparation was necessary for a war when it should come.

The general assembly was eager to take all measures necessary for this preparation by encouraging the citizen soldiery and providing for drill instruction and improvement in their condition as prospective fighters against the invaders they expected. The war which came six years later found Ohio ready and able to give a splendid account of herself.

The State had now arrived at a time when its law making body could take up some matters not absolutely essential to the immediate, pressing needs of the people. One of the mose striking features of the legislation which began in this session of 1806-07 was the promotion of religious societies, churches, colleges, academies and libraries. These received a large measure of attention. On January 27, 1807, "The Society of The St. John's Church in Worthington, Ohio," was created by a direct state law. It was declared a body politic, to be perpetual in succession, "subject, however, to such alterations and restrictions as the legislature may from time to time think proper to make." All the duties of the officers of the church were set forth in great detail in the statute. It is a curious example of a church established by the state. This law was followed almost immediately by several others setting up organizations under the same kind of state supervision. "The Alexandria Society of Granville," "The First Religious Society of Marietta," "The Red Oak Presbyterian Church," "The University of Cincinnati," "The New Town Library Company," of Hamilton County, "The Chillicothe Academy," "The Worthington Academy"—all these were provided for by separate direct laws enacted by the general assembly which detailed the regulations governing them. But the management of them was in the hands of the incorporators named in laws. These names included many of the most prominent men of the day, and this early interest in religious and educational institutions reflects more clearly than anything else could have done the high character and fine aspirations of the men who took upon themselves the building of the state.

But many of these same men entered into a class of enterprises which were later regarded as immoral and debasing. It is a strange illustration of the fact, noted in all history, that the difference between right and wrong largely depends upon the times, the circumstances and the environments. On February 3, 1807, the general assembly passed "an act to raise money by way of a lottery to improve the Cuyahoga and Muskingum rivers." To carry it out eleven commissioners were provided for, including a number of members of the legislature itself. They were directed to conduct the lottery and thereby raise a net amount of $12,000 for the purpose named. They were required to give bond for the proper accounting of the money received, and were permitted to keep for themselves, as compensation for their work, fifteen per cent of the gross receipts. They were empowered to offer such prizes and in such form, as they deemed proper. All expenses, including advertising and printing, were also to be paid out of the total amount received. The commissioners were highly successful in this lottery; the good people were ready and anxious to "take a chance."

The bank of the Scioto River at Chillicothe needed "saving and repairing," and the general assembly passed another lottery act to raise $12,000 to meet the expense of this improvement. The nine commissioners who were appointed to "put it over" included Samuel Finley, one of the most prominent business men of Chillicothe, William Creighton, Sr., father of the secretary of state, Duncan McArthur, one of the most conspicuous men in the early history of the state, Nathaniel Massie and others of almost equal prominence. They put up the prizes, sold the lottery tickets, took their 15 per cent commission (so far as known to

history) and turned over the net amount to save and repair the river bank. It was found that more money was needed for this task, so they "went after it" again and secured it in the same way.

There were other similar laws and the lotteries were uniformly successful in bringing in all the money needed. In fact, they were so successful that other lotteries were started, by private citizens for private gain, and without authority of law. But now the law makers had a change of heart and looked at the matter from a different angle. They regarded these private lotteries as immoral gambling schemes and they put a stop to it under heavy penalties!

The forests were the home of millions of gray, black and red squirrels. Now, with the numerous fields of corn, rye and wheat under cultivation, these small rodents had become a serious pest because they were very destructive of the growing crops. How to get rid of them became a real problem for the law makers. After much consideration they hit upon an ingenious plan which was effective, although in the sequel it proved to be a two-edged sword. They passed an act requiring every male person of military age to kill at least 100 squirrels per year and deliver their scalps to their township clerks. Any man who delivered less than this number, or none at all, was compelled to pay 3 cents each for his deficiency. If he accounted for 100 he was given credit for $3.00 on his tax bill, and if he turned in more than 100 scalps in any year he was given a receipt and the excess was credited on his next year's tax bill.

In modern times hunters have been subject to a fine of $25 for killing a squirrel in Ohio, except during a brief open season. It would be a strange sight to a farmer of 1807 if he could observe the pests of his day well cared for in the State House grounds, furnished with well made and comfortable little homes, and with ample food to keep them fat—all from public money appropriated by the legislature!

The expense of running the state government this year amounted to $21,713.69.

The statute following the explosion caused by Governor Tiffin's secret message concerning Aaron Burr's activities was passed December 6—the fourth day after the attention of the assembly had been called to the subject. One might easily believe that this long act—it covers several pages of the printed statute book—had been prepared in advance, especially considering the multiplicity of words used in the attempt to make it clear and comprehensive. The first section, only one of several which composed the act, was as follows:

Sec. 1.—Be it Enacted by The General Assembly of the State of Ohio, That if any person or persons shall, within the jurisdiction of this state, fit out or arm, or attempt to fit out or arm, or procure to be fitted out or armed, or shall, knowingly, be concerned in the furnishing, fitting out or arming of any vessel, boat or water craft, or bring or cause to be brought within the jurisdiction of this state any vessel, boat or water craft, with intent that such vessel, boat or water craft, shall be employed to disturb the peace and tranquility of the United States, or if any person or persons shall, within the jurisdiction of this state, raise or attempt to raise, enlist, or attempt to enlist any person, party or army, or attempt to march any party or army through this state, or if any person shall knowingly enlist or engage in any project or enterprise, with intent to act against the peace and tranquility of the United States, as aforesaid; every such person or persons so offending, shall upon conviction before the supreme court, be fined in a sum not exceeding $4,000 each, and imprisoned for a term not exceeding three years, and every such vessel, boat or water craft, with her tackle, apparel and furniture, together with all materials, arms, ammunitions or stores, which may have been procured for the building or equipment thereof, shall be forfeited to the use of the state.

The act, with interminable repetition of words, provided in the most minute detail what was to be done, including acts by the governor, the

militia, sheriffs and other executives, and appropriated $1,000 to pay the expenses.

On December 23 a resolution was adopted calling upon United States Senator John Smith to resign his office. The sole reason assigned was that he "had not attended to the duties of that important office," but it was well known that the real reason was that Aaron Burr had called to see him at his home in Cincinnati some time before, and it was suspected that in some way he might be involved in Burr's schemes.

The law disciplining the militia, passed February 23, 1807, contained some provisions peculiar to the early times. It required every white male from eighteen to forty-five years of age, with a few exceptions, to enlist in the armed forces of the state, and within twelve months after enlistment to "provide himself with a good musket or fusee, a sufficient bayonet and belt, a knapsack and two spare flints, a pouch with a box therein, to contain not less than twenty-four cartridges suited to the bore of his musket or fusee, each cartridge to contain a proper quantity of powder and ball, or a good rifle, knapsack, pouch and powder horn, with twenty-four balls suited to the bore of the rifle, and a quarter of a pound of powder." The field officers were to arm themselves with a sword or hanger, and the platoon officers with a sword or hanger or "espontoon." This equipment was not provided by the state, but the properties were made "exempt from all suits, distresses, executions or sales for debt, damages, or the payment of taxes."

Provisions were made for officers and for the separation of the militia into divisions, brigades, regiments, battalions and companies. The governor was empowered to call into actual service any part of the militia required, and in case of danger of invasion by the Indians the forces could be called and kept in reserve for immediate defense. When on tour the regimental commander could "cause to be procured by impressment" for each company a wagon, team and driver, or a sufficient number of pack horses, six axes and six camp kettles or pots, of convenient size. It does not appear that the state owned a dollar's worth of equipment of any kind, but when articles were thus "impressed" for immediate use, payment for them was to be made out of the state treasury and the property then paid for was to belong to the state thereafter. No salaries were provided for anybody.

The law, which consisted of fifty-five sections, provided for musters, for drill, for tours, for court martials, for fines and penalties for all sorts of military offenses. One of the sections contained twenty-five rules and regulations. It was all very impressive, and its author must have had a great military genius for detail.

Economy was still the watchword. The printer was paid $18.25 for fifty copies of the acts of the last session. Rufus Putnam, Benjamin Ives Gilman, and Jonathan Stone were paid a total of $80.80 for "laying out the town of Athens." John McCoy was paid $49 for all the fire wood used during the session of the two Houses. But the trial of Judge Robert F. Slaughter before the High Court of Impeachment cost the state $61.20, divided into several items for services of the sergeant-at-arms and the attendance of numerous witnesses, including 10 cents per mile for distances traveled by them.

The official printer was ordered to furnish 200 copies of the journal of each House, and 2,000 copies of the laws passed during the session.

The most exhaustive and discriminating account of the "Burr Conspiracy" is found in the third volume of *The Life of John Marshall,* by Albert J. Beveridge. One can not read without surprise and regret the revelations of the motives and actions of the distinguished men that were arrayed on both sides at the trial of Burr in Richmond, Virginia, before John Marshall, chief justice of the United States. Thomas Jefferson, the political rival of Aaron Burr in the republican-democratic party of that day, who was elected President of the United States over him in the House of Representatives by only one vote, appears to have

been determined to convict Burr of treason regardless of his guilt or innocence. All the influence of his high office through the public press was used to arouse public opinion against Burr.

One can not read of the effort to destroy Burr and the chief instrument employed for that purpose without feeling that the supreme culprit —the real traitor—was none other than Gen. James Wilkinson, then commander-in-chief, under Jefferson, of the armies of the United States.

Wilkinson at first had joined Burr in his project, which seems to have been to invade Mexico, should the United States become involved in war with Spain, which at that time was anticipated. This could scarcely be considered a treasonable act. Other prominent men, as Beveridge clearly demonstrates, had sanctioned like projects. Other statesmen of the time had favored a separation of the Union. It was not proven at the trial that Burr had in mind such a project.

It was afterward proven that General Wilkinson was in the employ of the Spanish government from 1787 to 1807. At the same time it was he who first suggested to Aaron Burr an expedition against the Spanish possessions. He appears to have been ready to accept bribe money regardless of its source. He had led the secession movement in Kentucky in 1796 and declared it his purpose to become the "Washington of the West."

When it was apparent that the Burr movement was to be exposed. Wilkinson not only deserted Burr but accused him of planning the dismemberment of the Union. Upon the testimony of Wilkinson alone, it appears, Jefferson had decided to destroy Burr. Between him and the consummation of this purpose stood Chief Justice John Marshall.

No mere summary of the "diplomacy," intrigue and disloyalty of partisan leaders of the time can do justice to the picture detailed in 272 pages devoted to it by Mr. Beveridge. To his monumental work the reader is directed for the final word on this interesting episode of our history. Burr deserved a portion of the disgrace that attaches to his name, but he was a patriot compared to Wilkinson and little worse than others in the ranks of his accusers. Time has vindicated the decision of Judge Marshall. There was not sufficient evidence against Burr to convict him of treason as defined in the National Constitution.

Sixth Legislative Session

December 7, 1807, to February 22, 1808.

This session of the general assembly found the state without a governor, as Edward Tiffin was now a United States senator. Thomas Kirker, as speaker of the senate, was acting governor. He was reelected speaker, but John Bigger, of Warren County, was made speaker pro tem in order that Kirker might have time to perform the governor's duties until such time as a new one should be declared elected. The election having been held, it was generally expected that this declaration would soon be made. But exciting scenes were soon to follow in the Legislature incident to a contest, and Kirker was to act as the head of the state far longer than he could have foreseen.

There had been two candidates for the gubernatorial office—Return Jonathan Meigs, Jr., and Nathaniel Massie. It is probable the election machinery had been inefficient in places. Possibly there had been fraud in some districts. It was conceded by everybody that there had been "irregularities." The face of the returns gave Meigs 6,059 votes and Massie 4,757. One set of figures, after deducting for irregularities, gave Meigs 4,531 and Massie 2,317. No doubt there was manipulation, and cries of fraud on both sides. The records of the houses throw no light on the subject. But no declaration of the vote was made by the Legislature, and Massie contested the election of Meigs. "An act to contest the election" was passed by both Houses.

It can be easily imagined that a situation like this created excitement

throughout the state and that the two factions involved divided into hostile camps. The hearing of the contest came on in joint session of the two houses. The contention of General Massie was that Judge Meigs ought not to be declared elected for the reason that he was ineligible, not having been a resident of the state for the required four years prior to the election. The exact specifications were that "within four years preceding the election he had been a resident of the Territory of Louisiana and there exercised the office and powers of a United States Judge." Also that "he now holds an office under the government of the United States," and that "on the second of April last past he was appointed a Territorial Judge for Michigan."

Judge Meigs' reply, which was agreed to by both sides as a statement of facts to be given in evidence, was as follows:

"In December, 1804, I left Ohio, and arrived in Louisiana, in January, 1805, bearing a commission of colonel in the army of the United States and commandant of the district of Missouri. The office of commandant and colonel expired by law at the close of the session of Congress, in the spring of 1806. In July, 1805, I received a commission as judge of the Territory of Louisiana. I returned to Ohio in August, 1805, having been then absent from Ohio but seven and one-half months, and having then resided in Louisiana but six months.

"In April, 1806, I went to Louisiana, and returned in July, 1806, having been then absent from Ohio between three and four months, and having then resided in Louisiana but a little more than two and one-half months. The whole absence from Ohio, both times included, amounts but to eleven months, and the residence in Louisiana to eight and one-half months. During the last session of the legislature of Ohio I was commissioned by the governor of the state to carry into effect the law 'to prevent certain acts hostile to the peace and tranquility of the United States within the jurisdiction of this state,' under which I acted in arresting Burr's flotilla, etc. During the same session I was elected by the legislature trustee for lands granted for religious purposes in the County of Washington, under which I acted. On the Fourth of July, 1807, I received a commission as Judge of the Territory of Michigan, which I accepted. The commission was dated either the first or second of April preceding, and had been missent to Louisiana—was never qualified to office in Michigan. Almost immediately after the receipt of the last commission I was summoned to Richmond to Colonel Burr's trial—returned as soon as discharged, in October last.

"I have (except the several absences above mentioned) resided with my family at Marietta, in Ohio, thirteen years, and not elsewhere. During that period my family never left Marietta. My absence in Louisiana was on a colonial commission, on behalf of the State of Ohio, as well as for the United States. If any material fact or circumstance is herein omitted, I will readily insert it.

"R. J. Meigs, Jr.

"Chillicothe, December 14, 1807."

Counsel was admitted to appear for both sides in the contest, and both made arguments. The records contain no details as to what was said—nothing but a copy of the following very brief resolution containing the decision:

"Resolved, That Return J. Meigs, Jun., is not eligible to the office of Governor."

The vote was 24 to 20 in favor of the resolution.

General Massie did not claim the governorship, nor was his right to it considered at all so far as the records of the proceedings disclose. A biographer who knew him well says "he was too magnanimous to accept it when his competitor had a majority of the votes." His grandson, D. Meade Massie, in a book written many years later, said that "his probable reason for contesting was to please his friends and to give the

place to his faithful supporter, Thomas Kirker, of Adams County, who by reason of being president (speaker) of the senate succeeded to the vacant office." He also attributed the large number of votes cast against Massie at the election to the fact that they came mostly from eastern and northern parts of the state, where Massie's great services were entirely unknown. In the southern counties Massie's votes constituted a very large majority of all those cast.

Meigs never questioned the decision of the Legislature. He was immediately appointed judge of the Supreme Court and the next year was elected United States senator to fill the unexpired term of John Smith, who resigned at that time. Meigs served in the United States Senate for one year, when he was elected governor by a majority of more than 2,000 votes over his opponent.

The appointment of Meigs to the Supreme Court by the same Legislature which had just declared him ineligible for governor seemed inconsistent. It does not appear to have been in any sense a party contest, for both principals to it were republicans, as the followers of Jefferson were called, as were almost all of the members of the legislature.

During this session six new counties were established—Knox, Delaware, Stark, Wayne, Tuscarawas and Preble.

Now, for the first time in the annals of the state, a bank was authorized and incorporated by the Legislature. The Bank of Marietta was incorporated by act of February 10, 1808. Gen. Rufus Putnam, founder of the town, was the chief figure in it. The authorized capital was $500,000, as large, perhaps, as that of any bank on the continent at that time. It is not conceivable that it was expected to have a paid-up capital of any such amount. Marietta's population was probably less than 3,000—there were less than 6,000 people in the whole of Washington County when the 1910 census was taken. The bank was permitted to issue notes, acquire property, do a general banking business, and contract debts not exceeding three times its paid-up capital.

On February 18, one week later, the bank of Chillicothe was incorporated, by State Treasurer McFarland and associates, with an authorized capital of $100,000.

The existence and facilities of both these banks were found very useful to the state a few years later when the War of 1812 made public borrowing of money necessary.

The expenditures this year were $21,713.89.8, the final figure signifying eight mills. The balance left over in the treasury was $697.08.1.

On the title page of the old book of laws passed during this session of the Assembly of Ohio there is a display of the words: "In the Sixth Year of Said State."

Among the first of the statutes is "an act declaring certain streams navigable," and it names them as follows: The Mahoning, from the Pennsylvania line as far up as Jesse Holliday's Mill; Still Water, from its confluence with the Muskingum River as far up as the Brushy Fork of said stream; Will's Creek from its confluence with the Muskingum as far up as Cambridge; One Leg (commonly known as Kanotten) as far up as the division line of the fourteenth and fifteenth townships in the seventh range; The Scioto from its confluence with the Ohio River as far up as the Indian boundary line; the Little Muskingum from its confluence with the Ohio up as far as the south line of section number 36 in the township of the seventh range.

Most of these streams are not regarded as navigable now except for very small boats. Perhaps the word has lost the original meaning in the minds of our forefathers. They were very determined that the passage of the water craft on them should not be obstructed, for they now prohibited any mill dams to be laid across them by anyone unless he made provision "by a lock, or slope, or both, if necessary," of proper size to allow passage of boats past the dam.

On February 13, 1808, minute directions were placed in a long act

providing for the election of Ohio's electors for President and Vice President of the United States. It was all written in accordance with the amendment to the Federal Constitution on that subject. Among the other things provided for, it required the electors to assemble at Chillicothe on the day before they were to cast their ballots, and to formally notify the governor that they were present and ready to perform their duties. He was, in case of the absence of any of them on that day, to notify the general assembly immediately of the fact, and the assembly was to elect others to fill their places so that the full electoral vote could be cast on the required day, for President and Vice President. It was under this law that the Ohio electors voted for James Madison for his first term as president, the following year.

It was, of course, perfectly well known to the assemblymen that Nathaniel Massie was going to contest the election of Return Jonathan Meigs, Jr., as governor, but no Legislature had foreseen such an event and no law had been made for such a contingency. Therefore the present Legislature made haste to supply this omission. A law was passed early in the session "prescribing the manner of contesting elections for governor." It enacted that within two days after the general assembly had opened the return of the vote cast for the governor any person might give notice in writing, to the Clerk of the Senate, of his intention to contest the election, specifying the particular points on which he expected to rely. A certified copy of this notice must be served on the governor-elect. When the trial of the contest came on before the joint session written or oral testimony could be given, and after both sides had been heard and members had stated their reasons for the vote they intended to give, the alphabetical roll should be called—first of the senate and then of the house—and a majority of votes should decide the issue.

So far the law was general in its application, but, since the vote had been opened this time before the law could be passed, it was necessary to provide for the case immediately pending, and so a special section of the act was inserted as follows:

Be it further enacted, That any candidate or elector, being desirous to contest the election of the present governor-elect shall file with the Clerk of the Senate, within two days after the passage of this law, a specification of the points on which they intend to rely in the contest, which contest shall be conducted in the same manner as by this act future contests are to be conducted.

The next regular election for governor would not occur until 1809, therefore a special election would be necessary in October, 1808. "An act providing for the election of a governor" was passed for that purpose, under date of February 20, 1808.

A good deal of attention had been given the question of standardizing weights and measures, and, as noted before, the provisions of the act had been suspended for a year. Then an appropriation of $1,500 had been made to carry it into effect. But now, on February 19, the act was repealed and was not revived until a few years later. The journals throw no light upon the reasons for this, but dealers who sold on short weight scales could continue unmolested by the authorities.

Further amendments were made to the Crimes Act. A burglar who at night entered a mansion, house, store, etc., armed with a dangerous weapon, was punished by being whipped on the naked back not exceeding fifty stripes, fined $1,000, and imprisoned for twelve months. Bigamy (marrying while married, or knowingly marrying the husband or wife of another) was punishable by a fine of not exceeding $1,000 and imprisonment not more than two years.

The military establishment had by this time begun to feel the need of arms under its own control, so the assembly resolved that the state's senators and representatives in congress use their best endeavors to borrow from the general government 7,000 stands of arms and twenty

pieces of artillery, and also learn at what price and on what terms they could be purchased by the state.

The clerical work in the office of the state auditor had now grown so heavy that he could not do it all himself, and he was allowed a clerk. An appropriation was made of $678 to cover the clerk's salary and pay the postage of the department.

This must have been an unusually cold winter. The fire-wood bill of the houses was $105—much larger than in any previous session.

The printing bill also was leaping upward, for the unprecedented number of 3,000 copies of the laws and 300 copies of the journals of the two Houses were ordered for distribution among the growing official and legal profession.

ADMINISTRATION OF SAMUEL HUNTINGTON

Seventh Legislative Session

December 10, 1808, to February 21, 1809

Thomas Kirker had been Acting Governor more than a year when the legislative session of 1809-1810 convened on December 5th. He had been a candidate in the October election for the governorship, but had been defeated. He was again elected speaker of the senate at this session. Alexander Campbell, of Adams County, was speaker of the House of Representatives.

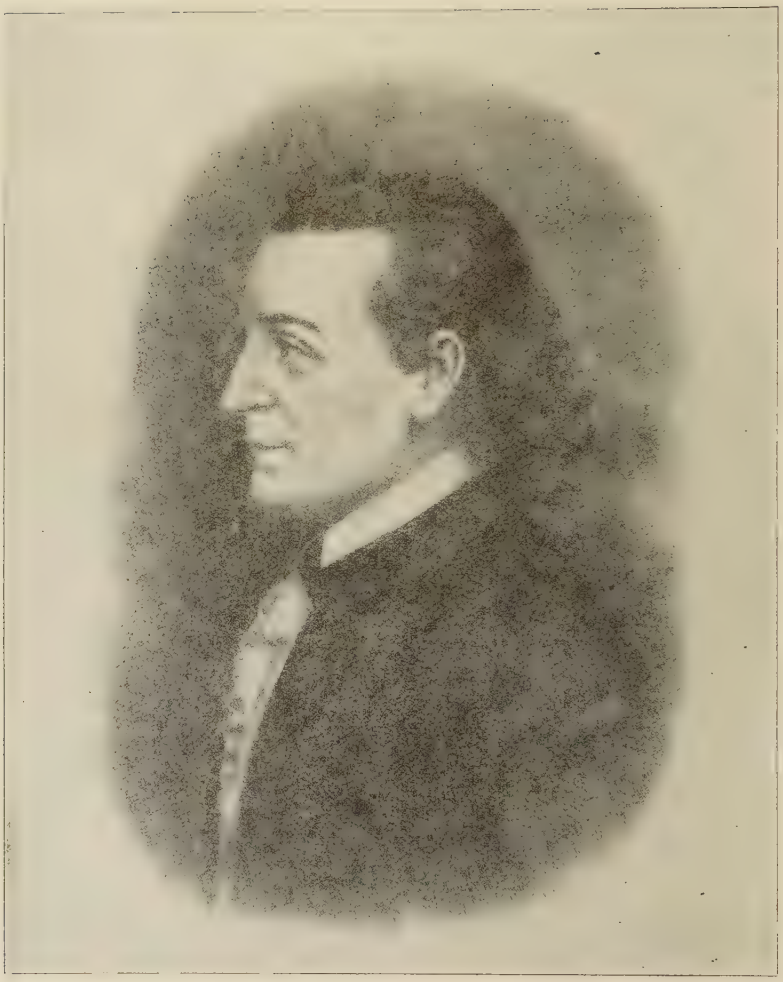
William Creighton, Jr., who had been secretary of state from the first, resigned, and Jeremiah McLene was chosen by the legislature to fill his place. McLene was a Revolutionary soldier and had lived in Ohio since 1790. He served continuously in the office to which he was now elected for almost twenty-five years, after which he was sent to Congress from the Columbus district and remained there until his death in 1837.

Acting Governor Kirker advised the Assembly that United States Senator John Smith had resigned. This was an aftermath of the "Burr Conspiracy." Smith, who had become a warm personal friend of Vice President Burr at Washington, was suspected of possible complicity in Burr's schemes. The General Assembly had previously by resolution conditionally asked him to resign. In 1808 a resolution to expel him from the United States Senate received nineteen affirmative and ten negative votes. As it required a two-thirds vote to expel, it failed by a single vote. Humiliated by the treatment accorded him, Senator Smith resigned, a victim to factional politics. He was succeeded as Senator by Return Jonathan Meigs, who was now elected for both the unexpired term and the full term which was to follow.

The canvass of the vote cast in the October election for governor showed that Supreme Court Judge Samuel Huntington had been elected, and it was so declared. It had been a heated contest—Huntington receiving 7,293 votes, Thomas Worthington 5,601, and Thomas Kirker 3,397. On the 12th, two days after the declaration of his election, Governor Huntington was formally inducted into office, Judge Meigs administering the oath.

Governor Huntington was born in Connecticut in 1765 and named for his uncle, Samual Huntington, who was one of the signers of the Declaration of Independence. He was graduated from Yale, became a lawyer in his home state, moved to Cleveland in 1801, and to Painesville in 1805. He served in the constitutional convention of 1802 and was a member of the first Legislature. He had won praise on the Supreme Bench. When elected governor he was forty-three years old, and he died at Painesville nine years later.

The advancement of Judges Meigs and Huntington made necessary the election of two others to fill their places on the Supreme Bench. Each



SAMUEL HUNTINGTON

Governor December 12, 1808—December 8, 1810. Born October 4, 1765; died June 18, 1817. Member Constitutional Convention of 1802; member Senate, first General Assembly; justice Supreme Court.

member of the Legislature cast two votes. There were eleven candidates and five ballots were taken before two of them received a majority of the votes. They were Thomas Scott, of Ross, and Thomas Morris,[1] of Clermont. Scott was clerk of the Senate and Morris was a member of the House. Scott had been successively a minister, a tailor, and a lawyer. He had become a lawyer by his wife's reading to him while working at his trade of tailor. He had been clerk of the Territorial Legislature, the first justice of the peace in Ross County, and later prosecuting attorney. He served on the Supreme Bench until 1815.

George Tod, the third judge of the Supreme Court, and Calvin Pease, president judge of the third circuit, were arraigned before the Senate on articles of impeachment brought by the House. Both were accused of "high misdemeanor and wilful, corrupt and wicked disregard of the Constitution," in that they had declared null and void an act passed by the Legislature. This was the beginning of a fight in Ohio to determine the right of a court to pass upon the validity of a state law. It was a question which had been decided by the judiciary of some of the older states, and in the famous decision of Chief Justice Marshall of the United States Supreme Court. In all cases the Constitutions, made by the people themselves, to protect minorities as well as majorities, had been decided higher authority than legislative enactments, made by the legislatures or congress, the agents of the people.[2]

In the cases now tried before the High Court of Impeachment in Ohio it was admitted by the judges that they had declared null and void those parts of the legislative act defining the duties and rights of justices of the peace which conflicted with the provision of the Constitution holding inviolable the right to trial by jury in certain cases. The judges justified themselves in making their decisions. The vote of the Senate was fifteen to nine in favor of finding them guilty. But, as a two thirds vote was necessary to impeach, the proceedings against them failed, and they retained their seats on the bench.

A fact of interest in this controversy between the Legislature and the judiciary is that Judge Tod was the father of David Tod who, in 1862, became a "war governor" of Ohio.

During this session several new counties were established and changes were made in the boundaries of others. Laws were passed elaborating the judiciary act, equipping the militia, enlarging and modifying the crimes act, and establishing more schools, academies, colleges, churches and societies.

Necessary amendments to the Crimes Act of 1805 had been so numerous during the three years since its enactment that, as noted above, it was now entirely rewritten and made into a sort of criminal code. Some of the punishments were mitigated, but others were made more ferocious than before, and a number of new crimes were included which had not been in it originally.

Under the new act "any person, in malice and aforethought, who shall cut off or disable the tongue, or put out an eye, or cut off or render useless an arm or leg of any person, on conviction thereof the person so offending shall be whipped not exceeding 150 stripes on his naked back, and be fined in a sum not exceeding $5,000, and be imprisoned not exceeding two years, and moreover, shall be liable to the person injured." And any person who should without malice aforethought expressed or implied,

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[1]Morris never qualified for the office.

[2]The attack on the judiciary of Ohio was but an echo of the clash between President Jefferson and the Federal courts. Failing in his effort to get rid of a supreme judge by impeachment, he sought "relief" by "sweeping" devices that would place the members of the court at the mercy of the Executive, but he was frustrated by the Constitution. In Ohio the situation was different. When impeachment failed, the friends of Jefferson enforced the dominance of the Legislature by the so-called "sweeping resolutions," which vacated all state judicial positions and placed in the hands of the Legislature the power to fill the vacancies.

knowingly and with intent do any of the things mentioned, or "slit the nose, cut or bite off the nose, ear or lip," was liable to the same fine and imprisonment, but not the whipping.

A person guilty of horse-stealing must be whipped, receiving for the first offense not exceeding 100 nor less than fifty stripes, and for the second offense not exceeding 200 nor less than 100 stripes. For the third offense he should "have both ears cropped," be imprisoned, and fined not exceeding $1,000. Any person buying or receiving a stolen horse, knowing it had been stolen, should suffer like punishment.

Duelling was not punished quite so severely by fine and imprisonment as in the original act. All a challenger, carrier of a challenge, or fighter had to endure under the new law was to pay a fine of $1,000, find security for his good behavior for two years, be forever disabled from holding any office of profit or trust, "and be stripped naked to the waistband, and tied to the whipping post for the term of one hour, and exposed to the public view, in the day time."

If any judge, justice of the peace, clerk of a court, constable, attorney or counsellor at law "shall encourage, excite and stir up any suit, quarrel or controversy between two or more citizens whereby such citizens shall be injured or defrauded in said suits, quarrel or controversy," such judge, justice of the peace, lawyer, etc., "shall be fined not exceeding $500." This would probably discourage ambulance chasing lawyers if it were on the statute books today.

In the new Criminal Code are found the following offenses which had not been included in the original list: Refusal to take oath on the witness stand; bribery of a judge, counterfeiting, harboring thieves, conspiracy to do an unlawful act, obstruction of authority, resisting an officer, corruption of juries, oppression of sheriffs, destruction of fruit trees, killing horses and live stock, swindling, rescuing prisoners under arrest or in confinement, and impersonating an officer. Severe punishments were imposed for all these offenses.

The summer-garden as a place of entertainment seems to have required regulation at this early time, as we may judge from the following: "Any tavern keeper allowing any sporting, or rioting, or permitting drinking or gaming for money "in his house, outhouse, shade, arbour, or any other place in his occupancy" was fined not exceeding $20 and forfeited his license to do business.

Eighth Legislative Session

December 4, 1809, to February 22, 1810

Gen. Duncan McArthur was the speaker of the Senate and Charles A. Norton was the clerk. McArthur had been a senator continuously since 1805, representing Ross County as an associate of Nathaniel Massie. He had been a surveyor in Chillicothe for a number of years and acquired large wealth in land. He was major general of the state militia and his subsequent career was largely that of a soldier. He held important commands during the War of 1812, and in 1814 succeeded to the chief command of the Western Army after the resignation of Gen. William Henry Harrison. He was a congressman for some years, and was governor of Ohio from 1830 to 1832.

Ex-Governor and ex-United States Senator Edward Tiffin was now back in the legislature and was elected speaker of the house of representatives. His resignation as United States senator left a vacancy which had been filled by Governor Huntington's appointment of Stanley Griswold, of Cleveland, to serve until the legislature should meet and elect his successor. Alexander Campbell, of Adams County, speaker of the house during the preceding session, was now elected senator, receiving thirty-eight votes, a majority of six over the combined opposition to him. He served as senator during Tiffin's unexpired term, until 1813.

Jeremiah McLene was reelected secretary of state and Benjamin Hough was made state auditor.

Thomas Scott was reelected to the supreme bench, and William W. Irvin, of Lancaster, was elected to the same position. This was the same Judge Irvin who a few years before had been removed from the office of Associate Judge of Fairfield County after being found guilty of "high misdemeanor and neglect of duties." He remained on the supreme bench until 1815, and subsequently served two terms in Congress.

It was at this session of the Legislature that the temporary change of the state capitol from Chillicothe to some other location and the establishment of a permanent seat of government came up for consideration. The journals of the general assembly do not report the speeches, but doubtless it was becoming more and more apparent that Chillicothe, which had been the logical place in 1802, was now too far south of the geographical center of the state for the convenience of the rapidly growing population of the northern and eastern sections.

A commission was appointed to consider the whole subject, and on February 19, 1810, the houses passed an act declaring that "the state capitol is hereby fixed and shall remain at Zanesville until otherwise provided by law." It was regarded as only a temporary arrangement, and the next day, February 20, another act was passed providing for five commissioners to fix the permanent seat. This was the step which led to the final result of establishing the capitol "on the high bank of the Scioto river, opposite Franklinton," a point which was then a dense forest, but afterwards was called Columbus.

It was a busy time in law making. Measures were enacted relating to the foreclosure of mortgages; defining more fully the duties and powers of county commissioners, and regulating the erection of public buildings. Instruments in writing were made negotiable; a system was established for the recording of deeds and mortgages and for appointments of county recorders by the courts of common pleas; the marriage laws were again amended.

More laws were passed authorizing public lotteries to raise money for public improvements, as, for instance, a bridge across the Miami River at Troy. A movement was made for public care of the indigent poor, and steps were taken to codify the judiciary laws and those relating to land taxes.

The time had now come when, under the constitution, the Legislature might increase the salaries of state officers beyond the paltry sums designated in the constitution itself. But the general assembly, in a new act fixing salaries, adhered to the first schedule. Indeed, in some cases, they still paid less than the constitution had permitted in the beginning. Under the law now passed the governor received as formerly, $900 a year; the secretary of state $500; judges of the Supreme Court $1,000 each, president judges of common pleas courts $900 each, and members of the Legislature $2 per day. The clerks of the Houses were paid $5 a day while actually employed, with $44 per year for contingent expenses.

And this parsimony was exercised notwithstanding that during the years of the life of the state the population had grown to 230,760, the tax values to $10,856,000 on 9,933,099 acres, and the total state revenues to $85,964.39.

The lowering clouds of war with Great Britain were seen to be approaching more and more ominously. The Government at Washington was preparing for it and the states were making ready. In Ohio the spirit to meet it never wavered. The militia by this time had been brought to what was thought to be a complete state of efficiency. The Legislature passed in a new and stronger form the statutes against treason and wagering war against the State of Ohio. Treason was defined as "entering into a conspiracy for betraying the State of Ohio into the hands or power of any foreign enemies, or giving or attempting to send any evi-

dence to any such enemy for said purpose." If the accusation was proved by two witnesses the penalty was death.

Patriotism rose high, and was reflected in the fighting attitude of the Legislature. The following joint resolutions, unanimously adopted February 11, 1810, were directed to the President, Vice President, and Congress:

"At a moment when the rights of our country have been assailed by the repeated aggressions of Great Britain and France, who, regardless of the law of nations, and every tie heretofore held sacred among men, have violated our neutral rights, impressed and murdered our unoffending citizens, attacked our national independence, and attempted to prostrate our commerce at the feet of their tyranny, the citizens of Ohio, inspired with ardor for the preservation of their rights, do cordially join heart and hand with our sister states in the common defense of our country; and are ready at all times to rally around the standard of liberty, to chastise the arrogance of those who attempt to invade our sacred independence; therefore

"Resolved, by the General Assembly of the State of Ohio, That this State does highly approve of the firm, patriotic conduct of the general government in adopting the measures to which they have resorted for the preservation of our property, our seamen and our national honor.

"Resolved, That should war be our fate, however deplorable the evil, when called by our country, we are ready to share in its calamities; and, trusting to the God of Battles, we do pledge our lives and fortunes to preserve and maintain the independence so dearly purchased by the heroes of the Revolution."

The style of legislative rhetoric has changed somewhat since those days, but it certainly cannot be said that it was empty bombast, for the soldiers of Ohio made more than good when the fighting period came two years later, and the people stood behind them to the limit. There were no "pacifists" in this state in 1812.

It was found necessary to repeal the law, passed two years before, remitting $3 taxes of men who killed 100 squirrels a year. The results had not been foreseen when the offer was made. It was a very easy thing for men to kill 100 squirrels a year each, and it would seem that almost every man in the state took advantage of this means of saving on his tax bills. With the thousands of guns in use in the forests the public treasury was in danger of being depleted, and the repeal of the law became necessary to restore enough ready cash in the treasury to pay the public expenses.

The irregularities in elections, so often evident in contests for seats in the Legislature after certificates of election had been issued, and in many purely local controversies, brought about changes in the election laws. It was in December, 1809, that, by act of the General Assembly, the poll book was devised and presented to election officials. This was the first of the election reforms introduced in the state. The poll book then officially adopted has been retained ever since in almost its identical original form.

At this time came the era of turnpikes, toll gates and toll roads not publicly owned, and for the use of which payment had to be made. The first was constructed and managed by the Boardman Turnpike Company, incorporated by the Legislature during this session. It extended from Boardman to Canfield, in Trumbull County. The second was authorized in the law incorporating the Franklinton Turnpike Road Company, and its route was from Franklinton to Zanesville. It afterwards became part of the old "National Road," from Cumberland, Maryland, across Ohio and into Indiana.

Now also toll bridges came into use and several of them were built by private enterprise, profits coming from charges made for crossing them. But this system met a check when fordable streams were bridged. The people preferred to ford streams rather than to pay for the priv-

ilege of crossing them on bridges. Several companies were compelled to dispose of their bridges to the local public, sometimes at a loss.

Notaries public first came into being in Ohio by an act passed February 20, 1910. Four were authorized and appointed—one each in Cincinnati, Chillicothe, Marietta and Steubenville. Their rights and obligations have changed little since they were first created. Their fee for attesting a document was $1, with another dollar for recording it in a book kept for the purpose. It is a curious fact that from this source the incomes of these first four notaries public was greater than that of the governor, of the supreme judges, or of any other officials of the state.

Official sanction was given to the propagation of the Gospel among the Indians of Ohio by the incorporation of the "Church of Unitas Fratrum," or United Brethren, at this time. Bishop George Henry Loskiel and seven others, some ministers and some laymen, were made directors and assistant directors. The church organization had been doing missionary work among the Indians for almost seventy years—since 1740. Bishop Loskiel was a Russian, but most of his life was devoted to service for the Indians. He was the author of the "History of Moravian Missions Among the North American Indians" and several other books which had many reprintings. Among the other incorporators of this church was the celebrated John Gottlieb Ernestus Heckewelder, born in England. He long held important national and state official positions relating to the Indians, assisting in the councils as interpreter and otherwise, in making treaties with them. He was familiar with the languages, manners and customs of the aborigines, and wrotes several works upon subjects pertaining to them. A "Life of Heckewelder" was published in Philadelphia in 1847, after he had been dead for almost a quarter of a century.

The "camp meeting" had come into vogue in some parts of the state. The Methodists were especially given to this kind of outdoor religious activities. The meetings attracted crowds of people—just as they have done ever since—and it became necessary for the Legislature to correct an evil that grew out of that fact. This was the sale of intoxicating liquors by dealers who "squatted" near the camping grounds, to the great scandal of the ministers who conducted the meetings. A law was passed prohibiting these liquor selling squatters from approaching within a mile of the meetings and fining them $10 if they did so. But this regulation did not apply to tavern keepers whose places of business happened to be within the one-mile limit.

The Town of Steubenville, through an incorporated company of twenty of the most prominent men of Eastern Ohio, applied to the Legislature for the right to establish a waterworks, and the act authorizing this public utility was passed January 10, 1810. One reading of this would imagine that Steubenville was showing extraordinary enterprise at such an early day in the life of the town. The waterworks, however, were only wooden pump-logs, laid from springs on a hillside to High Street. This small equipment gave way under the strain in a very short time, and the project had to be abandoned. Annals of the town say that for twenty years or more thereafter "water was hauled around Steubenville in barrels by wagons and carts."

The conduct of taverns under the original license law had by this time led to some highly objectionable practices which required regulation. Taverns were growing in number, importance and volume of business done, and in many cases the retailing of liquors had become the principal part of their trade. In fact, many of them were nothing more than drinking places. It was now enacted that the license fee should be increased from the original 50 cents to as much as $12 in some localities, and that the selling of drams over the bar should cease. No sales of wine, rum, brandy, whiskey, spirits or strong drinks (so they were enumerated) could be made in quantities of less than one quart. Also, a person licensed as a tavern keeper was required to furnish entertain-

ment (bed and board) for man and beast. It was expected that this law would correct the evil of indiscriminate liquor selling. Thus early began the anti-saloon legislation which was finally to put those places out of business more than a century later.

There was a serious increase in the cost of running the state government this year. It had jumped to the unprecedented sum of $57,561.34. The balance in the state treasury at the end of the year was reported at 22 cents and 1 mill.

When adjournment of the General Assembly was taken, on Washington's birthday, 1810, it was to meet the next year at Zanesville.

Indians were still much in evidence, but during the fifteen years which had elapsed since the treaty of Fort Greenville the relations between them and the whites had undergone a complete change. This was emphasized by an incident which led to the passage of one of the acts at this session. One Benjamin Vannoten had stolen some horses from Indians at Goshen, and when arrested he had given bail bond for his appearance for trial at Steubenville. Not responding at the time, his bond was forfeited and the money paid to the county by his bondsmen. The Legislature passed an act which distributed the money among the Indians whose horses had been stolen.

There seemed practically no restrictions whatever on the General Assembly as to the kind of legislation it could enact. Sometimes it overruled the courts, as in the case of John Chiventon, of Marietta. He was in jail there by reason of his failure to provide for the maintenance of an illegitimate child. He had made application to the court for release on the ground that he was financially unable to carry out its order, but his petition had been refused by the court for the reason that he had been committed on criminal process. He then appealed to the Legislature, and that body, after reciting the above circumstances in a preamble, passed an act to discharge him as an insolvent debtor.

"Paternalism in government" were words of which the assemblymen were not afraid. On February 19th of this session they enacted a law for the relief of an unhappy father. This also contained a preamble, of which the following is an exact copy:

"Whereas, John Millar, of Adams county, has represented to the satisfaction of the general assembly that six of his children were born cripples and continued to be such, and are unable to render any assistance to keep or support themselves: therefore, the better to enable him to support his unfortunate family, be it enacted—"

And they allowed him $200 a year to be paid out of the public funds of the county. Very benevolent, but not at all in accordance with later ideas as to what a legislative body ought to do.

The revised law licensing and regulating ferries is interesting in the fourth generation later because it brings to the mind pictures of the never ceasing flow of travel on the new roads and across the streams—very largely by newcomers to the state. The ferrymen of 1810 were obliged to be ready to convey passengers and property over in their boats, whenever the water was not so high as to make it dangerous, at all hours from daylight to dark; they were compelled, when required, to ferry over the mails and other public express at all times—day and night. They paid license fees as high as $18 a year at some busy points, and they were rigidly restricted to the following schedule of prices for their services: "Ten cents for a foot passenger; twenty cents for man and horse; one dollar for a loaded wagon and team; seventy-five cents for any other four wheeled carriage, or empty wagon, and team; fifty cents for a loaded cart and team; thirty-seven and one-half cents for an empty cart and team, sled or sleigh and team; ten cents each for horses and cattle; and three cents each for sheep and pigs."

That large northwestern corner of Ohio, marked "Indian Reservation" on the old maps, and known as Wayne, was still inaccessible to white settlers. It was, besides, a bar to movements of troops toward

Detroit and the English border of Canada, and this was important in view of the war that everybody knew was coming before long. And now, for the first time, the General Assembly turned its eye in that direction, and adopted resolutions looking to the opening up of that extensive area:

"WHEREAS, The northwestern quarter of this state is inhabited by and subject to the claims of certain Indian tribes; and while it remains so the settlement and improvement cannot be effected; and it being of great importance to the United States, as well as to this state, that the lands in that part should be opened for sale, settlement and taxation as soon as may be; and in case of war to be the more easily enabled to defend a coast bordering on the territory of a belligerent nation; to secure its local advantages to every part of the state, so far as possible; to avail the United States, and this state, of the revenue which will gradually arise from the sale and taxation of that portion of its territory; and to make its jurisdiction and civil government co-extensive with its geographical bounds; therefore

"Resolved, by the general assembly of the state of Ohio, That our senators in congress be instructed, and our representatives be requested, to use their endeavors to procure by treaty the extinguishment of the Indian title to the lands within the limits of the state."

Among the appropriations for the year appears this:

"To the troops under the command of Major William Mason, second brigade, first division, Ohio militia, for services by them performed and rations furnished, the sum of four hundred and seventy-seven dollars and ninety-nine cents."

What the services of the militia were for, and what they accomplished, is not revealed in the act of appropriation or in the House journals.

There were now thirty-six counties in the state, established by the General Assembly out of the original divisions made by the old territorial government. The decennial census was taken by the United States Government this year, and the population of the several counties was found to be as follows:

Adams	9,434	Jefferson	17,260
Athens	2,791	Knox	2,149
Belmont	11,097	Licking	3,852
Butler	11,150	Madison	1,603
Champaign	6,303	Miami	3,941
Clermont	9,965	Montgomery	7,722
Clinton	2,674	Muskingum	10,036
Columbiana	10,878	Pickaway	7,124
Cuyahoga	1,459	Portage	2,995
Delaware	2,000	Preble	3,304
Fairfield	11,361	Ross	15,514
Fayette	1,854	Scioto	3,399
Franklin	3,486	Stark	2,734
Gallia	4,181	Trumbull	8,671
Geauga	2,917	Tuscarawas	3,045
Greene	5,870	Warren	9,925
Guernsey	3,051	Washington	5,991
Hamilton	15,258		
Highland	5,766	Total	230,760

Thus there were now almost five fold more people in Ohio than there had been when she became a state eight years before.[1]

There was still that large area in the northwest corner, an Indian reservation known as "Wayne" on the old maps, in which no white

[1]Ohio became a state March 1, 1803.

people at all were enumerated in 1810, and which was as yet an almost unbroken wilderness, whose resources were practically unknown.

Meanwhile, newspapers had made their appearance in the state, and by consulting copies of those old publications the seeker for light upon the conditions of everyday life in the early times finds his search more productive of definite knowledge. Unfortunately files of some of the papers which would now be interesting and valuable have completely disappeared, but there are others extant which in large measure supply the deficiency. At the state capital, Chillicothe, the Scioto Gazette had been alone in the field for a few years prior to 1808. Broken files of the old Gazette still exist, but there are fairly complete files of the Supporter, which was established in that town December 8, 1808, and continued for more than ten years. The Independent Republican was started there in 1809, ran for a year and was succeeded without a break by the Fredonian for two years longer. Other papers, in other towns, were started from time to time—some of them short-lived—so that from the year 1808 there is much newspaper material to show what was going on, what the people did and what they thought.

The first Ohio newspapers were very small sheets compared with the great publications which come fresh from the press every day in modern times. They were all published weekly and nearly all of them were alike in size—four pages of four columns each. They had no news service, but depended upon the mails, which were very slow, to bring them Eastern papers from which to make extracts of news from the outside world. On November 25, 1809, the Supporter, which had been issued on Wednesdays, announced that "in consequence of a change having taken place of the arrival and departure of the mails, the Supporter will be issued in future every Saturday morning."

A great proportion of the space was filled with news and comments referring to England's assaults on the rights of America—which later brought on the War of 1812—and of the acts of Congress and of the national administration with reference to them. It was all very bitter matter, and the reading of it must have kept Ohio people in a constant turmoil of excitement. Indeed, very many communications from prolific contributors indicate by their contents that this was the fact.

State politics, during campaigns, seethed and boiled in the newspaper columns, and one is surprised to read the vituperation heaped upon men whose names have come down to posterity as among the greatest and most revered in the state's history. The editors lashed one another with epithets which would have caused murder if they had been seriously taken to heart. It might all seem to be indicative of the rawness and newness natural to a rough people, but one of the notable characteristics of the papers was the evidence on every page of education and a degree of literary culture on the part of editors and contributors, who were, of course, immigrants from the East. Classical and historical allusions were comparatively more numerous than in the best papers and magazines of the twentieth century, and there were almost no articles which bear evidence of careless or hasty preparation.

Congressional affairs were very fully covered—many days late, of course—and European happenings were recorded three months or more after they occurred. Napoleon was at his zenith as emperor of the French, his brothers occupied thrones which he had given them, and his great general, Murat, was king of Naples. Josephine had been divorced and the new wife, Marie Louise, archduchess of Austria, had taken her place. She was reported to be about to bear her imperial consort an heir—or heiress. All this news was perfectly familiar to the newspaper readers in the backwoods of Ohio, as were numerous anecdotes of the great conqueror himself, showing his eccentricities, manners, follies and failings.

There was original poetry in almost every issue, and a short space was generally devoted to "humour." One of the popular jokes of the

day was that after two duelists had exchanged shots, one of the seconds suggested to the other that the principals shake hands, but received the answer that it was not necessary, because "the hands of both had been shaking since the beginning." There were accounts of many duels, most of them in Virginia, and often between members of Congress.

Stories of Indian depredations in Ohio were entirely absent from the columns of the papers, but occasionally an account was given of troubles farther down the river and on the Mississippi.

The sessions of the General Assembly received scant attention except after some unusual matter had been disposed of, but comments and communications about those make it very plain that there was no public apathy or indifference with respect to them. When, in 1808, the impeachment trial of Supreme Judge Tod, for declaring the act with reference to the justices of the peace unconstitutional and therefore null and void, resulted in his acquittal by a single vote in the Senate, the columns of the Supporter contained a great deal of vigorous matter praising or condemning the Senate for its action. It revealed that those nine senators who voted for acquittal were ostracised and mistreated by some of the fifteen who voted the other way, and they were charged with having "corrupt, wicked and malicious motives." One article contained this passage:

"A rumor has been framed by some person or persons destitute of moral, religious or political honesty that Judge Tod has acknowledged, since the trial, that the act of the general assembly in extending the jurisdiction of justices of the peace was constitutional. This, we venture to assert, is a downright and malicious falsehood. * * * 'A greater liar Parthia never bred' than the founder of this falsehood."

State and local news, other than political, occupied little space. Yet there were some items which have an interest for the reader of the twentieth century:

(Oct. 27, 1809). "Mr. Seth Hall, of Fairfield county, says he now has in his possession a single stalk of Indian corn which grew in his field this season with fifty-one ears on it, which will be shown to any one who may doubt it."

(Nov. 25th). "A few days ago, as a Mr. Hoshaw was hunting about eight or nine miles from this town, he was accidentally shot by a Mr. Boots. He had been tracking a deer for some distance, and while in a stooping attitude was discovered by the latter through the bushes, who, mistaking him for a deer, immediately fired and shot him in the groin. Mr. Hoshaw remained in the most excruciating pain for thirty hours, when he expired."

(Jan. 13, 1810). "A gang of desperadoes has lately been detected in a plot entered into for the purpose of seizing upon the public money on its way from Ohio to the treasury of the United States. They were prevented from carrying their project into execution by a boat accidently falling into company with that which contained the money. Some of the rogues have been apprehended and it is hoped the whole band will be discovered and duly punished."

The law providing rewards for scalps, with ears attached, of wolves and panthers, which had then been in force for a few years, was a common topic of conversation among the people and of articles in the newspapers. Here is a communication, dated January 13, 1810, with a humorous touch which no doubt was appreciated by the farmers of Athens County:

"Having like good citizens despatched all the wolves and panthers properly belonging to our county, we think it a grievance afterwards to be liable to the frequent depredations of such as belong to other parts of the state. Had the other counties with equal spirit and promptitude availed themselves of the law for exterminating these mischievous animals, our increasing flocks might now range abroad with security.

"Would the legislature have the goodness to amend the law, that

each county should put a distinguishing ear-mark upon their wolves and panthers, allowing us, at the same time, to recover damages in case of tresspass, or permitting us to take the scalps of such estray animals, we should then have our remedy, and the state full and ample benefit of the law."

(Signed) "HUNTERS OF ATHENS COUNTY."

Advertisements offering rewards for runaway slaves were very common. Here is one not much different from all:

"FIFTY DOLLARS REWARD. Ran away from the subscriber, a negro man named Ben, 17 years of age, 5 feet 6 or 8 inches high, branded on each cheek thus: 'TW' (the T and W joined together) for horse stealing. Any person taking him up and bringing him home to Thomas Ward, in Cabell county, Virginia, near Big Sandy, shall be entitled to the above reward, with all necessary traveling expenses, or confine him in any jail so that I can get him again. THOMAS WARD."

The Chillicothe papers contained at this time large advertisements of a lottery, "by authority of the state of Maryland, for preservation and distribution of vaccine matter for the use of citizens of that state." There were to be 10,410 prizes, of a total value of $300,000 in cash, and 19,590 blanks. Raising money by lotteries for public purposes, as before noted, was familiar to the people of Ohio, but this was by far the largest enterprise of that kind yet announced. It is interesting also because it indicates that Jenner's method of preventing smallpox by inoculation, which had been introduced in Europe less than ten years before, had already been accepted in the United States and was in extensive use.

Local advertisements show what progress had been made in a business way during less than eight years of statehood. There were notices of meetings of stockholders in the bank. Journeyman watch makers and clock makers were wanted. Public notice was given by the husband of Fanny Craig that she had eloped from his bed and board and that he was determined to pay no debts of her contracting after the date of the advertisement. Hunter and Lloyd, "tailors and habit makers," want two journeymen; they also repudiate the charge that they have entered into a combination with other tailors to raise the prices of clothing. John I. Barr & Company advertise broadcloths, moleskins, lutestring and shenshaw silk for dresses; also bonnets, shawls, old Madeira, sherry and Malaga wines, fourth proof cognac brandies, Holland gin and Jamaica spirits, "all selected by a nice judge," also groceries, bar iron, castings, leather, books and (in very conspicuous type) salt. Salt was a very special article of merchandise, and the state government was doing all in its power to encourage increased production of it. Peter Spurck advertises "The Green Tree Tavern," and John Irwin his tavern known as "The Lion and Spread Eagle."

There were legal notices and other paid announcements of many kinds. Thomas Worthington, during August and September of 1810, inserted in several successive issues the following extremely conservative advertisement announcing his candidacy for governor:

"To the Electors of Ohio: Having reason to believe it is the desire of many of you that I should be a candidate for the office of governor, and in answer to enquiries which have been made of me on this subject, I think it my duty to state that if elected to that office I shall endeavor to do my duty. T. WORTHINGTON."

Return Jonathan Meigs, Jr., his opponent, who was openly accused by Worthingtons' adherents, and the Scioto Gazette, of having swindled the United States Government out of $750, made no newspaper announcement of his candidacy, but he was elected nevertheless.

An adventure in crime, famous in its day, shows that the state did

not have to wait many years after its foundation to witness cleverness in duplicity defeated by newspaper publicity.

On December 16, 1809, there appeared in the Supporter at Chillicothe a letter which read like the plot of a melodrama. It was about two-thirds of a column in length, supposedly written at "St. Vincennes" in the territory of Indiana, and signed by the name Jediah Bromsell. It recounted his experience as a physician in attendance upon a stranger who had become ill at an inn in Vincennes. On the seventh day after being called, the doctor wrote, he found that "dissolution was fast approaching," and he told his patient that "if he had any business to arrange he ought to attend to it before his reason was entirely gone."

The sick man then told him that he was Abraham Clark, of Chillicothe, that he had lived a very wicked life, and that he had a wife in Ross County whom he had treated very ill. His conscience troubled him greatly as death was approaching, and he begged the doctor to inform the public of a certain circumstance which he desired to make known before he left this world. The circumstance was that after he had returned to his wife, whom he had previously abandoned, and after having been forgiven by her, he had stolen a horse from her mother, had transferred it to one William Marshall, of Washington County, Ohio, asking him to settle a debt which he had made to another man, not letting Marshall know that the horse had been stolen. But he was now afraid that Marshall might be accused of receiving a stolen horse and get into great trouble in consequence. "But," the letter said, "he protested as a dying man, before God, that Marshall knew nothing of the circumstances and therefore ought not to suffer on account of it."

Doctor Bromsell's letter closed with these words: "The said Clark died on the fourteenth day after he was taken sick. The last words he spoke was earnestly requesting me to have an account of his death published in that part of the country, in order that his wife and other relations might know that his conduct would trouble them no more, and that said Marshall might be cleared from censure." There was appended a statement, purporting to be signed by four others, testifying that they had been called in to hear Clark's death-bed confession so that they might be able to bear testimony that Doctor Bromsell had reported it just as Clark had made it before passing out of this life. The letter was well written and must have made a strong pull at the heart strings of those who read it in the Supporter.

Now, it happened that a William Marshall, of Washington County, near Marietta, was being sought for by the sheriff of that county, suspected of having stolen a horse which he had sold. He had fled to parts unknown, leaving behind him a wife and a young child. It also happened that a man named Abraham Clark was badly wanted by the sheriff of Ross County for being known to have stolen a horse from his wife's mother. The publication of the Bromsell story was therefore highly interesting to the officials and people of Washington County, who knew Marshall, and to those of Ross County, who knew Clark. The death-bed confession of Clark, so effectively told by Bromsell, seemed to remove all suspicion against Marshall and to warrant stopping the search for the deceased Clark.

But the publication of the letter revealed for the first time that Marshall and Clark were acquaintances, and that they had together had something to do with a stolen horse. Therein it overreached itself. It naturally prompted a little investigation, or at least curiosity, on the part of the sheriffs of Washington and Ross counties. When this came about it was discovered that both men answered the same description in the smaller details. There were peculiar marks of identification that left no doubt that they were one and the same man. This, of course, led to the inevitable inference that Bromsell was also none other than Clark, alias Marshall, and that he had himself written the account of his own confession and death and sent it to the Supporter for publication.

He had made sure that it would appear by sending with it the money, at advertising rates, and ordering it inserted three times. It bore proof of this in the tell-tale "3t" which appeared at the bottom of it. But he could afford this small cost if he could avoid pursuit and capture, for he knew, as everybody did, that in the previous year the General Assembly had prescribed a punishment for horse stealing of 150 stripes on the bare back.

All this had evidently been cleared up within two weeks after the first appearance of the advertisenent on December 16th. An editorial appeared in the Supporter of December 30th, referring to the letter, and continuing:

"As the letter appeared to come from an authentic source we had no hesitation in giving it publicity; but from information since received we have reason to believe that the whole is a fabrication, and written by Marshall himself in order to elude pursuit. It appears that this Jediah Bromsell, alias William Marshall, alias Abraham Clark, formerly resided in this county where he married a respectable young lady now residing near Oldtown. After having expended nearly all her property he stole a horse from his mother-in-law and made his escape to Washington County, where he passed by the name of William Marshall and married another respectable young lady, by whom he had one child. After contracting a number of debts in Washington county he again absconded, leaving his second wife in a deplorable situation. It is probable that he is now in some part of the Indiana territory, as the letter we received from him, signed Jediah Bromsell, had on it the Vincennes postmark; but from the postage marked on the letter it must have previously been given to the mail carrier on the way and put by him into the postoffice.

"Jediah Bromsell, alias William Marshall, alias Abraham Clark, is about twenty-five years of age, light hair, clear blue eyes, florid countenance, sonorous voice, about five feet nine inches high, broad shoulders, and has several moles on his face and neck. His clothes were principally of home manufacture."

It would be a pleasure to finish the tale by stating that the villain was apprehended and punished, but the newspapers of the day did not carry an account of any such end. It was not difficult in 1810 to lose one's identity in the wilds of the Territory of Indiana. Indeed, Clark had not found it difficult in Ohio, by merely moving into a neighboring county and changing his name.

ADMINISTRATION OF RETURN JONATHAN MEIGS

Ninth Legislative Session

December 3, 1810, to January 30, 1811

The removal of the seat of government was a severe blow to Chillicothe, and the people of that town were far from pleased with it. The feeling was vented in slighting references to Zanesville which let it be known that the members of the Assembly might expect to find the new capital an undesirable place in which to sojourn during the two or three months of the session. A typical example was the following sarcastic editorial which was given conspicuous place in the Republican of November 1, 1810:

"We have great pleasure in congratulating the ensuing session that there will be no want of the necessities of life at Zanesville. A gentleman just arrived from Franklinton (in whom we have just confidence) informs us that several respectable agents had lately be forwarded to Lancaster and the adjacent places to purchase the various articles that will be wanted during the important period—and with a liberality that does honor to the Muskingumites they are directed not to be too nice

or precise in their selections—in a word, offals and refuse of lard, butter, pork &c have been in great demand, and it is hoped that the gentlemen will want for nothing.

The subject of moving the state capital from Chillicothe had been under consideration for two or three years. The Muskingum County delegates to the Legislature had formally petitioned that body to take it to Zanesville, promising that the county would furnish suitable buildings for all branches of the government. They were assured that if this were done Zanesville would be made the temporary capital. The people of the town indulged the hope that once the officers were placed in comfortable quarters the capital would be allowed to remain there permanently.

The resources of the county were undeveloped, and the tax duplicate was inadequate to raise a large amount of money; the county commissioners therefore hesitated to incur the expense of erecting the necessary buildings. However, leading citizens, anxious for the advancement of their town, organized a company and built them with their own funds. The county was charged no interest on the money, which was really a loan, until the buildings should be completed and all bills against the county paid.

The main building was well adapted to the purposes of the state, and was so planned that if the Legislature should later transfer the seat of government to another place it could be used as a county courthouse. The cost was $7,750. The building was of brick and stone, and the design was copied from Independence Hall in Philadelphia. It was fifty feet square, of two stories, and the ceiling of the first story was eighteen feet high. A one-story building, 24 by 28 feet, erected at a cost of about $1,000, was for the use of the secretary of state and the state auditor.

Everything was in readiness at the appointed time, and the state took possession in October, 1810, the books, records and documents being hauled from Chillicothe by Zanesville people.

It was into these new buildings fronting on Main Street, on the square between Fourth Street and Court Alley, in Zanesville, that the Legislature entered upon its duties on the 3d day of the following December. The House of Representatives occupied the first floor, and the Senate the second. But before that day Zanesville had learned that its hopes of becoming the permanent seat of the state government were vain. As before related, the act of the previous year, moving the capital to Zanesville temporarily, was followed the next day by the one appointing a commission to locate a permanent seat, and instructing that commission to settle upon some place within forty miles of the geographical center of the state. This made it impossible for Zanesville to be considered. No complaint against this was made by the Muskingum people, and the promises they had made were carried out to the letter. But when, after only two years' occupancy of the fine new buildings, the Legislature moved back to Chillicothe, there to remain until the new buildings should be ready at Columbus, the people of Zanesville regarded that the state had not kept faith with them, and their hearts were broken.

Thomas Kirker was once more speaker of the Senate, and ex-Governor Tiffin was again speaker of the House. The Senate now numbered twenty-six members and the House forty-eight. There had been a new election for governor, after the most spirited campaign so far known in the state. Governor Worthington had been a candidate for reelection, but he was opposed to Return J. Meigs, Jr., and the latter was successful, receiving 9,924 votes to Worthington's 7,731. Judge Meigs now resigned as United States senator, and within a week Worthington was elected to succeed him.

Among the contests for seats at this session was one of rather unusual interest. Thomas Elliott, English born, of Steubenville, who

had been a member of the House three times and of the Senate twice, had again been elected senator. He was made the object of an attack on the ground that he was not a naturalized citizen of the United States when elected and had not taken out his naturalization papers until the day before the Senate was to convene. Elliott admitted these facts, but stated that he had spent his whole life since early boyhood in Jefferson County and had not known that naturalization was necessary in his case. The Senate, by a vote of eleven to seven, declared him eligible, and permitted him to take his seat.

The commission to recommend a site for the permanent capital made a report, dated at "New-Ark, Sept. 12, 1910," in favor of the lands of John and Peter Sells, on the west bank of the Scioto River, four and three-quarters miles west of Worthington. This was not acceptable, and there never since has been even a village at that place. Decision was deferred until the next year.

Coshocton and Ashtabula counties were established on January 22, 1811.

Many matters pressed upon the members. An act was passed allowing, regulating and restricting writs of attachment, levies on executions and judgments at law. Also, for the first time, acts were passed providing for county tax levies; and special inducements were offered by law to encourage the manufacture of salt in various parts of the state.

Numerous incorporations were authorized, including banks at Cincinnati and Zanesville, and the old journal pages give evidence of rapidly increasing business activities in many localities. Towns and villages began to be incorporated in rapid succession, the duties and powers of their officers were defined, and their streets were declared public highways. Now, also for the first time, laws were made regulating the practice of medicine and surgery. Examining boards of recognized physicians and surgeons were appointed, and practice was not permitted except under licenses issued by them.

The war with England was now imminent and was expected to break at any moment. The governor and General Assembly were ceaseless in their efforts to have Ohio fully ready for it. A legislative act of great length and detail practically organized every able bodied man in the state into a grand army of five divisions. To encourage the enlistment of troops it was provided that each person enlisting should be entitled to $12 a month from the state in addition to the pay and allowances from the general government.

The new order of religious devotees known as Shakers had assumed such importance among the inhabitants of some sections of the state that it was now drawing to itself a good deal of attention, and circumstances arising from one of its tenets, or customs, caused the enactment by the General Assembly of a law which was regarded as necessary. It appears among the statutes of 1810-11. The occasion for it was fully set forth in a preamble to the act, as follows:

"Whereas, It is represented to the general assembly that a sect of people in this state called and known by the name of 'Shakers' inculcate and enjoin upon all who become attached to them that they must live a life of celibacy, in consequence of which women have been abandoned by their husbands, robbed of their children, and left destitute of the means of support—therefore, Be it enacted, etc."

The enactment was that the wife could bring a petition into a Court of Common Pleas, stating the true cause of her complaint. The husband was summoned into court, where the case was tried and decision rendered. If the husband did not appear in answer to the summons, the court took measures to ascertain the amount and value of the real and personal property he owned, and decreed to the wife such part of it as seemed just and equitable. If there were children, the law provided, the father was considered as having renounced all authority over them, and the mother was given all the rest of his property—or at least so

much of it as was necessary to support the children. In determining the amount of property it was decreed that any grant of land made by the man to the Shakers was to be "utterly void," and any money or other gifts to them could be recovered by suit in court. Under one section of the law any person who persuaded a man to join the sect and renounce his wife and children could be fined $500. But, having in mind the constitutional right of free speech, the makers of the law were careful to include the proviso "that nothing in this section shall be construed or understood to extend to any person for delivering any public sermon, exhortation or address."

The agitation against the Shakers had been violent, and the demand of the people for the passage of this law was insistent. The newspapers of the preceding summer and autumn had given much space to the subject. The Supporter of July 21st contained a three-column expose of the methods of the sect, written by Col. James Smith, of Kentucky, an old man who had fought in Braddock's campaign and in the Revolution. He was the father of one of those who had deserted his wife, taken her children from her, and joined the Shakers in their settlement at Turkey Creek. He stated that they had gained more than 2,000 proselytes, that under the guise of holiness they exercised the utmost cruelties, and that they were a great menace to the family relationship. He gave a pitiful account of the condition of his son's wife, from whom her children had been abducted.

"I believe," Colonel Smith said, "that if all the despots on earth and all the infernal spirits were united to invent a plan to destroy Christianity and enslave mankind, Shakerism could not have been exceeded. Satan is transformed into an angel of light, and his ministers into ministers of righteousness. Holiness is their theme whilst they bind fetters on poor deluded souls, disturb the peace of families: violate marriage, which is an institution of God. * * * But admitting there is no general danger as to our Government—shall not the innocent be protected? Shall the children be torn from the mother's breast and subjected to servile bondage, and shall she be left without redress?"

There was much other public agitation, and finally a mob attempted to rescue some children, including Colonel Smith's grandchildren. A report of this was published in The Western Spy of September 8th following:

"We are informed that on Monday last several companies of militia from the counties of Warren and Butler, accompanied by a large number of citizens, amounting in all to about one thousand, assembled at the Shaker settlement on Turkey Creek, in the county of Warren, for the purpose of compelling the Shakers to deliver up three grand children of Col. James Smith, of Kentucky, and some other young persons who were said to be detained by them against their inclination. Committees were appointed on both sides to confer on the matters in dispute. The conference being held, it was reported by the Shakers that the children were in Lebanon jail with their father (which, however, was not the case)—and finding none who wished to be liberated the multitude dispersed after informing them that if their pestiferous society was not broken up by the first of November next they might expect to be visited again."

The lack of standard measures was still a sore point, and, no doubt, many unscrupulous dealers were using small measures in selling their grains and other measured commodities. The General Assembly, which had the previous year repealed the weights and measures law which it had passed the year before, now enacted another, but in a different form. It required and directed the commissioners of the counties to have made, at their own expense, a half bushel measure containing 1,075$\frac{2}{10}$ "solid inches," and use it as a standard for all measures in their respective counties. Any person could test his own measures by this, and if they used any not in accord with the standard thus created they were subject to a fine of $5. Nothing was said about standard weights, as yet.

At this time appeared the first law against prize fighting in Ohio. It was enacted that "if any two persons shall agree and wilfully fight or box at fisticuffs they shall be deemed guilty of an affray, and upon conviction shall be fined in a sum not exceeding twenty-five dollars."

There were no London Prize Ring or Marquis of Queensberry rules in Ohio in those days—no boxing gloves or other refinements of the game. The only aim each contestant had was to disable the other by any means, however brutal, in his power.

It was found that a few other crimes had been omitted from the lists provided against in the comprehensive laws of the previous years. "If any person wounds another with intent to commit a murder, he or she, so offending, upon conviction shall be whipt, not exceeding fifty stripes on his or her naked back, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year, at the discretion of the court."

This was the first reference in Ohio laws to whipping women.

No doubt many of the laws against crimes and misdemeanors were passed because of actual developments of the necessity for them, and they show that the worst phases of human nature developed rapidly among the pioneers. Men and women living in adultery were now the subject of a law—they were fined not exceeding $500 and imprisoned not more than three months. Unmarried persons living as man and wife were fined $100 each, and imprisoned two months. Cutting down or destroying "any apple, peach, quince, pear or cherry tree, planted and growing on the lands of another person," were punished by fifty stripes on the naked back, and also fined not exceeding $500.

As a result of the difference between the Legislature and the Marietta court at the previous session it was now enacted that any person confined in jail for non-payment of a fine, and who was not able to pay it, must be released by the sheriff or jailor on order of the county commissioners.

A good many laws had been passed from time to time authorizing "proprietors" of towns and villages to vacate all or any part of them. This was, of course, because those towns or parts of towns did not thrive after being laid out, and were abandoned. A law of curious interest passed at this session was "an act authorizing and empowering the proprietors of the town of Tuskarawas, in the county of Coshockton, to vacate the three lower or south tier of squares in said town." Section 3 provides "that the aforesaid town of Tuskarawas shall hereafter be known and designated by the name of Coshockton," under which name, with the "k" eliminated, it has been a somewhat important place ever since.

An interesting subject, no doubt an outcome of the high patriotic feeling against Great Britain at that time, was introduced by the governor in a message submitting from Washington a proposed new amendment to the Federal Constitution, which had been adopted by a two-thirds vote of Congress, as follows:

"If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without consent of congress, accept and retain any present, pension, office or emolument whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."

The Ohio Legislature approved this amendment, but it failed to receive the support of three-fourths of all the states, and so failed.

At this time the economic condition of the people was at a rather low ebb. Practically the only men of wealth were those who in the earlier days had acquired very large tracts of land. The farmer-settlers enjoyed independence, for they raised everything necessary to the maintenance of their families, but they had little money and their actual wants were small. The prices they received for such of their produce as they could sell were insignificant, and their most profitable means of

disposing of their crops was to feed it to their cattle and drive the cattle in droves over the mountains to Baltimore and other Eastern cities. This movement had begun in 1804, as previously noted, and had been growing ever since.

But in this year of 1811 an event occurred which opened a new era. This was the launching of the first steam boat on the Ohio River. It was the forerunner of a glorious future for the settlers, and was the first builder of that great empire which grew up in the West and Southwest.

In 1807-08 Robert Fulton, the famous inventor and engineer, built his Clermont on the Hudson River, and under steam power made in thirty-six hours the water trip from New York to Albany which had previously required from seven to ten days. He and his associates, having proved that this method of water travel was practicable, at once determined to take advantage of the wonderful opportunities offered for steam navigation on the Ohio and Mississippi. They sent Nicholas J. Roosevelt to make a survey and report on the situation. Roosevelt, (who was a great grand uncle of President Theodore Roosevelt) had been associated with Fulton in devising and building the Clermont. His task now was to determine what, if any, reason existed why steam boats could not be operated to advantage in the West. He met many to discourage him, but his investigations, which extended over every mile of water from Pittsburg to New Orleans, convinced him that the great invention could be utilized along that route, notwithstanding all the river men to whom he talked told him that the rapid currents of the Ohio, and especially of the Mississippi, would make it impossible.

In 1810 Roosevelt began building the New Orleans at Pittsburg, for the Ohio Steam Navigation Company, incorporated in New York. Robert Fulton and the famous chancellor, Robert R. Livingston, were the principals in the enterprise. There was a delay of almost eighteen months in finishing the boat, but on September 27, 1911, all was ready and she started on her trip down the Ohio, with New Orleans as her destination.

One can imagine the sensation created in Steubenville, Marietta, Portsmouth, Cincinnati and Louisville as this new craft passed them, moved and controlled entirely by a power utterly unknown to the people who gazed upon her, and emitting great volumes of smoke from her stack. She reached New Orleans in good time and thereafter plied entirely between the city and Natchez, Mississippi, making a handsome yearly profit for her owners.

But the New Orleans had shown the people that their difficulties in getting their grains and meats to market were about to disappear. The products of the farms of Ohio were wanted in New Orleans, but the only means of getting them there had been "keel boats," which could be brought back against the stream only by the prodigious manual labor of "poling" them, or "flat boats," which could not be brought back at all and had to be broken up down the river and sold for the lumber in them, the crews returning home on foot.

Within a few years scores of steam boats were plying up and down the Ohio and on Lake Erie. The Muskingum, the Scioto, the Miami—and the canals which followed later, made complete the water transportation facilities for shipping out great quantities of materials from many of the farms of the interior sections of Ohio.

Thus was the greatest handicap on the farmers removed, and prosperity increased with wonderful strides. Far greater crops were raised, and new merchandising and manufacturing enterprises followed as a matter of course. The building and equipping of steam boats became a large business in Pittsburg, Cincinnati and other towns, and provided employment for many workmen.

Meanwhile, the growth of the state was more and more rapid with each day. The Independent Press, of Lancaster, mentioned that during

the summer and autumn of 1810 "moving waggons" to the number of 413 had arrived at and passed through that town. An extended article in the Independent Republican, of Chillicothe, in its issue of November 8th, of the same year, described in some detail the activities of settlers who were coming in, and rejoiced in the great advancement of manufactures:

"The rapid settlement of the State of Ohio since its adoption into the Union is without a parallel, unequalled in the annals of history. The emigration to the state this present year consists already of not less than 1,500 families!—who have principally settled on the waters of the Scioto, Mad River and the Great Miami. That portion of the country which but a short time since was uninhabited, now exhibits to the settler a fine, rich and well cultivated country—the effects of honest industry and healthy climate.

"Domestic manufactures of various descriptions are rapidly advancing, encouraged with a degree of liberality peculiar to enterprising minds. Factories of different kinds have been established, many of which, we may boast, are in a high state of perfection. We confidently believe that there is no country which holds forth so many great and important advantages to the agriculturist, mechanic and stock-holder as this part of the Union—and where industry will meet with a more sure success."

A few months later, after the result of the 1810 census became known, much stress was laid on the fact that Ohio, which had been the seventeenth to be admitted to the sisterhood of states, already stood thirteenth as to population, and would soon stand ninth. The official figures of the census were published with satisfaction in all the papers of the day:

Census of 1810

States:

Virginia	965,079
New York	959,220
Pennsylvania	810,163
Massachusetts (including Maine)	700,745
North Carolina	563,526
South Carolina	414,935
Kentucky	406,511
Maryland	380,546
Connecticut	261,942
Tennessee	261,727
Georgia	252,433
New Jersey	245,562
Ohio	230,760
New Hampshire	214,414
Rhode Island	76,931
Delaware	72,674

Territorial Governments

Orleans	76,556
Mississippi	40,352
Indiana	24,520
Columbia	24,023
Louisiana	20,845
Illinois	12,282
Michigan	4,762
	7,238,421

There were many echoes of the Burr-Blennerhassett conspiracy. Articles were published as to Burr, who was then in France. The following, copied from the New York Public Advertiser, was given prominence in the Supporter.

"We understand from good authority that Aaron Burr lately made application to Mr. Russel, the American Charge d'Affairs in France, for his passport as an American citizen: his object being to quit France and return to the United States; but that the application very promptly met with a positive refusal from Mr. Russel."

And this, expressing regret and surprise that anyone connected with Burr should be countenanced by American patriots, appeared about the same time:

"It is a fact much to be regretted that some of the partizans of Aaron Burr, that modern Cataline, have, since his nefarious attempts to divide the Union, held and now hold offices, both civil and military, in the Territory of Indiana. How to reconcile such a fact with that love of country and patriotic ardor which should warm the heart of every true American is more than genuine good policy can direct."

The Western Spectator, in March, 1811, described the final end of the grand home in which the conferences between Burr and Blennerhassett had been held in making the plans which brought ruin to both. Blennerhassett Island, in the Ohio River, opposite Belpre, Ohio, but under the jurisdiction of Virginia (now West Virginia), has been the locale of many romantic novels and of innumerable historical sketches, almost since the days when it was constructed in 1800. It was here that Burr had arrived in 1805 and enmeshed Herman Blennerhassett and his brilliant and ambitious wife in the grand scheme which they believed would lift them to imperial heights. The estate was described as a paradise, and was the object of intense interest to travelers down the river, many of whom called and visited there by right of social position and attainments, and spent many happy hours in the sylvan retreat. The home had all the attractions of the mansions of the settled East, though far removed from the nearest of them. It was, beyond a doubt, the most famous and delightful spot in the Ohio Valley and the Western country.

In a volume, Memoirs of the Early Pioneers of Ohio, by Doctor Hildreth of Marietta, who had received from one of the architects a complete description of the Blennerhassett house and grounds, we find this:

"The island mansion was built with great taste and beauty; no expense being spared in its construction that could add to its usefulness or splendor. It consisted of a main building, fifty-two feet in length, thirty in width, and two stories high. Porticoes forty feet in length, in the form of two wings, projected in front, connected with the offices, presented each a face of twenty-six feet and twenty in depth, uniting them with the main building, forming the half of an ellipse, and making in the whole a front of 104 feet. The left hand office was occupied for a servants' hall, and the right for library, philosophical apparatus, etc.

"A handsome lawn of several acres occupied the front ground; while an extended opening was made through the forest trees, on the head of the island, afforded a view of the river for several miles above, and bringing the mansion under the notice of descending boats. Nicely graveled walks, with a carriage way, led from the house to the river, passing through an ornamental gateway, with large stone pillars. A fine hedge of natural hawthorn bordered the right side of the avenue to the house, while back of it lay the flower garden of about two acres, inclosed with neat paling, to which were traced gooseberry bushes, peaches and other varieties of fruit-bearing trees, in the manner of wall fruits. The garden was planted with flowering shrubs, both exotic and native, but especially abounding in the latter, which the good taste of the occupants had selected from the adjacent forests, and planted in thick masses, through which wandered serpentine walks, bordered with flowers, imitating a labyrinth. Arbors and grottoes, covered with honeysuckles and eglantines, were placed at convenient intervals, giving the whole a very romantic and beautiful appearance. On the opposite side of the house was a large kitchen garden, and, back of this, orchards of peach and apple trees of the choicest varieties, procured from abroad as well as from the Belpre nurseries. Lower down on the island was the farm with about 100 acres under the nicest cultivation; the luxuriant soil producing the finest crops of grain and grass.

"The furniture of the drawing room was light, airy and elegant; with splendid mirrors, gay colored carpets, rich curtains, with ornaments to correspond, arranged by Mrs. Blennerhassett with the nicest taste and harmonious effect. A large quantity of massive silver plate ornamented the side-boards and decorated the tables. Yet they had not entirely completed their arrangements when the destroyer appeared and frustrated all their designs for comfort and future happiness. The whole establishment was noble, chastened by the purest taste, without that glare of tinsel finery too common among the wealthy."

Concerning this wonder-place, in all the historical references to the troubles of the Blennerhassetts, it seems to have been regarded as enough to say that he and his lady were compelled to leave it and were never able to return to it. But its destruction, and the completeness of the financial ruin which had fallen upon its master, were described in a newspaper "story" in which the author entered into details more fully than was common among the news-writers of that day. In the Western Spectator of March 16, 1811, the following account was published:

"Conflagration—The report of the fire on Blennerhassett's Island, mentioned in our last, proves to have been too correct. We learn that three negroes employed on the island undertook on the night of Saturday week to pass over to the Virginia side of the Ohio in a canoe, which they overset, and one of them was drowned. The other two returned to the house about 3 o'clock in the morning, chilled in their attempts to save the fellow, and one of them, in procuring fire, caught with in some hemp in the north wing. After ineffectual attempts to quench it himself he ran to raise his fellows in the south wing. Had he immediately alarmed Mr. Neale, who occupied the house, it might perhaps have been saved. But while he omitted the cry of fire and was obtaining assistance of the negroes, the flames had progressed too far to be arrested.

"Part of the furniture of Mr. Neale was saved. The utensils, wearing apparel, and various other valuable articles of Mr. Cashwell, cabinet maker, were consumed in the north wing, and Mr. Cashwell himself, in attempting to save some effects from the house, was severely scorched and narrowly escaped perishing. A sudden burst of flame prostrated him on the floor; he rose with difficulty, and had the good fortune, through smoke and flames, to escape at a window.

"Mr. Miller, of Kentucky, who holds Mr. Blennerhassett's estate on the island to satisfy debts accruing on the dishonor of his bills drawn in favor of Mr. Miller in Burr's time, has suffered very considerably by this event. He had for two years devoted the plantation to the raising of hemp; he had high expectations of the profits from last year's cultivation, but a great part of his hemp (dressed and packed away in the house) was destroyed by the fire. Besides which he has lost about 250 bushels of hemp seed, intended for the present year, which cannot be seasonably replaced.

"The house was built about ten or eleven years ago, at great expense, under the direction of Mr. Blennerhassett himself, and exhibited taste and elegance probably unsurpassed, perhaps unequalled, in the Western country. It had become somewhat defaced—and the beautiful gardens and shrubbery which formed a part of the paradise described by Mr. Wirt, on Burr's trial, as the residence of an Eve, had been ruined for want of culture, but the house was an object of curiosity to travellers, and was no inconsiderable addition to the beautiful prospect of Belpre; but its elegance now lies in ashes, and in all human probability will never again be resuscitated."

This year of 1811 saw the outburst and continuance in Ohio of a rancorous war against the "Tammany Society, or Columbian Order," the intensity of which would be inconceivable in the twentieth century if we had not witnessed the similar war made upon another secret organization of political proclivities which swept the country in the year of our Lord, 1924. The Tammany Society had originated in 1789, in New York City, and had become a power among the common people there. It was in the nature of a democratic rival of the "Society of the Cincinnati," which was composed mostly of officers of the Revolutionary army and was regarded as too aristocratic by the members of the Tammany Society. The new organization took its name from "St. Tammany," a somewhat mystical, perhaps mythical, Indian chief of early times. It had subordinate organizations known as Wigwams, each of which had Sachems, Sagamores, and other officers bearing Indian titles, including Wiskinki, door keeper and carrier of the key of the order. At first

it was purely non-political in character, but when President Washington condemned "self constituted societies" of various kinds it changed its nature and became actively favorable to the republican (democratic) party of that time. It had a wigwam in each state, with a Grand Sachem for each; it composed a secret ritual and became a strictly secret association for the purpose (or so its enemies declared) of promoting the political aspirations of its members who held the favor of the inner circles.

The Society of Tammany was introduced into Ohio early in the year 1810, and the first wigwam was established at Chillicothe. It made rapid progress, and within a year it had wigwams at Zanesville, Cincinnati, Xenia, Lancaster, Warren, Hamilton, and New Boston (in Champaign County), besides the one in Chillicothe. It was considered a powerful political factor in the state. Among its members were many men of great prominence, and ex-Governor and ex-Senator Edward Tiffin was the Grand Sachem for Ohio. But it also had a large number of bitter opponents in the republican party itself. The Federalists regarded it with equanimity because it was creating an ever-widening breach in the party to which they were opposed.

Gen. Nathaniel Massie, veteran of the republican party, was not favorable to the Tammany Society, and he was active in discrediting it whenever he saw an opportunity. On May 15, 1811, we read in the Supporter, "A numerous and respectable collection of the citizens of Chillicothe and the vicinity convened at the courthouse for the purpose of taking into consideration the constitution of the Tammany Society, or Columbian Order—so-called." Massie was chairman of the meeting and William Creighton Jr., another prominent man in official life, as the readers of these chronicles well know, was secretary. The meeting unanimously resolved "to oppose all secret political factions by whatsoever name or title they may be known or distinguished." Massie and Creighton were instructed to prepare, and they did prepare, a long exposition of the views of the meeting, and from this we make one quotation:

"The said constitution being read, discussed and explained, after mature deliberation of the subject, and a thorough investigation of the principles and design of the institution, it was unanimously agreed by said meeting that they believe the secret aim and concealed design of the Tammany Society to be (under pretence of uniting and consolidating the Republican interest in the State and in the United States) in fact to consolidate and concentrate all the power, which is the legitimate birthright of the people and of their republican government, in the hands of this secret, midnight, cabalistic convention, the members of which may probably be called Knights of St. Tammany or the Columbian Order with a Barrony or Lordship Annexed; and the Grand Sachems, 'Princess of the Empire of St. Tammany'—their tribes respectively consisting of one state for a principality;—that they consider all secret political societies, formed in a free republican government like that of the United States and those of the states respectively, the principles and designs of which are sedulously concealed from the people, to be eminently calculated to revolutionize the government in which they are formed, dangerous to the liberties and independence of the people, subversive of their rights, immunities and privileges, chartered, guaranteed and secured to them by the constitutions of their governments, and tending manifestly to dissolve the bonds of their political union, as unnatural and wicked as it is insidious and sure, if the people be not on their guard, vigil and zealous and positive in their opposition."

On May 25, 1811, a few days after the meeting described, Grand Sachem Edward Tiffin delivered the "long talk" at an anniversary banquet of the society. In this he lauded the order very highly as noble and patriotic. The address was published in the Scioto Gazette and several hundred copies of it were printed in pamphlet form for distri-

bution. Whereupon the storm broke, and the newspapers for months devoted many columns to the controversy. A very interesting and curious phase of the battle developed, involving Tiffin and his career both before and after he became prominent in the affairs of the state. On June 15 there appeared in the Supporter a three-column communication, signed "Calpurnius," flaying Tiffin for his "Long Talk." It accused him of demonstrating in the address that he was so ignorant as to be incapable of writing correct English. It pointed out errors of grammar, construction and composition, and bewailed the fact that he had been so highly favored by the people, considering his limitations, and that he "had contrived to render himself a conspicuous man and had fattened himself upon the people's money." After disposing of the subject of Tiffin's deficiencies in education he proceeded to the main question as follows:

"But miserable as is the style of this oration, it is still less exceptionable than the matter. The sentiments you have advanced evince a callousness of heart, an impudence of assertion without parallel. I have always understood that you were by birth an Englishman—that you were in the English army at the surrender of Burgoyne—that you did not choose to return to your native land; but sought an asylum in the bosom of that country against which your arms had been directed. These facts have been so often asserted, and have remained so long without contradiction, that I feel justified in assuming them to be true. I therefore consider you an Englishman by birth, and a deserter from your post in the hour of danger.

"I cannot contradict your statement of the views and objects of the Tammany Society; but you must permit me to declare that I do not believe you. * * * I believe that it is the object of this society to monopolize the distribution of all the offices within the state. To one set of men they say, 'If you wish to get an office, join the Tammany Society. It is the road to your honor and emolument.' 'The doors of honor and confidence' can only be opened by the key carried by our Wiskinki." Those who will not join you are Tories, Federalists and British agents, etc.

Tiffin felt this attack keenly. He made a reply to it occupying nearly three columns in the same paper in which the letter of "Calpurnius" had appeared. It was very mild in tone, written in a manner that showed him to have been hurt and grieved rather than angered. Referring to the direct charge that he had "fattened himself upon the people's money," he replied:

"I assure you, sir, if I possessed at this time all the lands near Chillicothe which I possessed when I first was called to public service and which was all paid for before I saw them, and which I sold off by piecemeal, they would make both you and me rich men. I have, sir, sacrificed a handsome fortune to sustain the expences of my family. I literally lost my health, and have grown gray in the public service, and am now constrained to exert the energies of my own mind and enfeebled body to repair the wreck."

He referred to his resignation of the lucrative office of United States senator as another evidence that he had not "fattened on the people's money."

"Can you not recollect my letter of resignation to Governor Huntington—that the duties a son owed to a revered parent, enfeebled by age, for seven years past as an infant, whose every moment was embittered by my absence, and that the derangement of my private affairs compelled me to resign the highest honors the public could bestow?"

He went to great pains to show that he could not, as "Calpurnius" had asserted, have been a soldier in Burgoyne's army at the surrender at Saratoga in 1777, because at that date he was a boy of eleven years in a Latin school in England. He appended to his letter two statements, signed by witnesses who knew the facts, proving that he "was

born on the tenth of June, in the year 1766, at thirty minutes past ten in the morning."

"Calpurnius" made a public apology for his false accusation, handsomely acknowledged that he was disarmed by Tiffin's reply, and wrote no more about it, although he did not cease his castigations of the Tammany Society. But another correspondent, "An Old Indian Hunter," took up the assault. He wrote particularly as to Tiffin's resignation from the United States Senate and the letter he had written to Governor Huntington stating his reasons for his action:

"The people of Ohio know very well that there was not a word of truth in that letter, save your wish to resign. They know that you went first to Congress under the most favorable impressions; and that you continued there as long as any countenance was shown you—that an almost unanimous disgust of the members, on account of your rash ignorance, rendered your situation in Congress both awkward and unpleasant. Yes, sir, you were out of your element, and you by some means discovered it and resigned."

In order to appreciate the full significance of this situation in the controversy it must not be forgotten that Tiffin was perhaps the greatest —certainly the most conspicuous—man of his time in Ohio. Head of the convention which formed the state constitution, twice elected governor by the unanimous vote of the people, elected United States senator without opposition in the General Assembly, and foremost in every public movement, he would be immune, if any man could be immune, from attacks of such a character as he had to suffer during the warfare against the Tammany Society.

The editor of the Supporter now printed an editorial paragraph informing the public that many other communications on the Tammany matter had been received but that he would not print any more of them. His was a Federalist paper, and he regarded the quarrel as "a rupture between two parties styling themselves as Republicans" and of no concern to the Federalists, his subscribers and readers.

But the anti- and pro-Tammany war waxed furious for a long time. The sheriff of Greene County refused the society permission to hold a meeting in the courthouse unless it would open the doors to the public, which of course it refused to do. And a large meeting of the people of Xenia, the county seat, held in the courthouse, passed resolutions commending the sheriff for the stand he had taken. The society moved serenely on its way, said very little, increased its membership, and apparently prospered. The General Assembly, in session at Zanesville, where one of the wigwams was located, by exactly identical votes failed to elect candidates to several offices whose election had been thought to be assured, and by the same votes defeated several measures the success of which had been regarded as certain. These votes were assumed to have been dictated by the inner circle of Tammany, especially as Grand Sachem Tiffin was speaker of the House of Representatives. This brought from the Independent Republican an editorial broadside calling attention to "the alarming fact that during the session of the Legislature no less than seventeen members of both houses joined the nefarious association in one night, who, we understand, are authorized to establish societies in their respective counties, to take in the unsuspecting and to dupe the ignorant," and warning the people to crush the society.

A member of the General Assembly wrote an excited letter to the same paper, and it was printed as conspicuously as the editor knew how to make it:

"Fellow Citizens!—It is high time to wake from your slumbers. Behold an aristocracy rising among you, under the cloak of The Tammany Society, which, if you do not destroy in time by your united efforts against it, and all who cover their proceedings in midnight gloom, they will sap the very foundations of your liberties. Even at their last session, have not some of your legislators been leaguing and combining to

destroy what they have solemnly sworn to protect and defend—your constitution and your liberty? * * * Why do they join the Tammany Society? Because it is a secret society and every member swears by his sacred honor to keep inviolate the proceedings had therein, so that they can plot treason, build up an aristocracy or monarchy when they please."

"The Tammany Society or Columbian Order" practically disappeared with the coming of the War of 1812, when all parties and factions were merged in the common peril. The remnants of it, in all but one wigwam were obliterated with the disintegration of the old democratic republican party and the era of good feeling which elected James Monroe president with only one opposing electoral vote in 1816. Only in New York City did it continue to live, and the Tammany power there has not been destroyed by more than 100 years of political vicissitudes.

Tenth Legislative Session

December 10, 1811, to February 21, 1812

At this session of the general assembly, the second at Zanesville, Thomas Kirker was again speaker of the Senate, and Matthias Corwin, of Warren County, was the new speaker of the House. At his home in Lebanon Speaker Corwin had a son, Thomas, then a youth of sixteen, who was, in years to come, to be one of the most famous men in the history of the state and nation.

Jeremiah McLene was again elected secretary of state, Wm. McFarland treasurer and Benjamin Hough auditor.

The decision as to the site of the permanent capital of the state was now to be made. The commissioners reported that they had received nine proposals from localities within the prescribed forty miles from the center of the state. Among them was the one on which they had made a preliminary report, four and three-fourths miles west of Worthington, which had not met the approval of the Legislature. The others were: (1) The present site at Columbus; (2) Delaware; (3) Worthington; (4) a location northwest of Franklinton; (5) Circleville; (6) a site on the Pickaway Plains; and two others in Franklin County. All the proposals were accompanied by offers of money, land, the erection of buildings without expense to the state, etc.

The commissioners recommended the Delaware site. The proffer from that town was to donate the grounds, erect the buildings, and lay off 4,000 acres of land in lots, the proceeds of half of which, taken alternately, were to be paid into the state treasury.

There was a season of lobbying, exerting personal influence, making personal appeals for votes, private conferences and counting noses before the final vote was allowed to be taken. The Columbus location was accepted by a very narrow margin. Twelve legislators who favored Delaware were so incensed over the vote that they filed a protest which was entered upon the journal.

It was then decided that the present session should be the last at Zanesville, and Chillicothe was again designated as the temporary capital until 1820, or until such time before or after that year as the new buildings should be ready at Columbus.

The state militia was further strengthened, and laws were passed appropriating money for clothing, blankets, provisions and other supplies for the soldiers, to be used when they took the field. Governor Meigs had had large military experience and possessed a high genius for war. He constantly urged measures which should find the soldiers prepared when they should be called to arms—as he had done during the previous year. Ohio soldiers were intended to act in conjunction with the regular forces of the general government, and when so acting were to be paid and provisioned by the United States. But, as before noted, in order to make it possible for the Ohio troops to engage in long cam-

paigns and at the same time support their families at home, the state provided that each soldier should be paid an additional $12 per month. This gave them more than twice the pay of regular troops, and in a measure it accounted for the wonderful showing made in the war by a state less than ten years old, in comparison with the older states of the East.

Governor Meigs sent the assembly official figures as to the militia, showing a grand total of 35,349; rank and file 32,640. About one-half of them were fully armed and equipped, and the effectives numbered about 20,000.

But many other subjects received legislative attention. The writ of habeas corpus was provided for. The manufacture of salt was so greatly encouraged that it became one of the principal industries in the northern sections of the state. Improvements were made in the tax laws. Strict inspection was required on all products sent to distant points—the original "pure food law." Steps were taken to define the boundaries between Ohio and Michigan. Some of the severities of the Crimes Act of 1805 were ameliorated upon recommendation of the governor, who as a judge of various courts knew that some of the extreme punishments imposed had an effect opposite to that intended and desired. A circulating library was authorized in Cincinnati—the first in the state. More new banks were incorporated in various towns.

Incorporations were becoming so numerous, as business activities increased, that it was now a hardship to business promoters to be compelled to wait for sittings of the Legislature to secure the necessary authority. Therefore at this session, on January 12, 1812, a general act of incorporation of manufacturing companies was enacted. Under it formal, prescribed forms for "articles of association" were thereafter to be filed with the secretary of state, who passed upon their form and sufficiency. It only required his approval and a proper record to allow a new corporation to do business. This act, with amendments and revisions made necessary by changing needs, has been the authority for ordinary corporations in Ohio ever since that day.

A joint resolution was passed January 15, 1812, deploring the burning of the theater at Richmond, Virginia, on the night of December 26, 1811, and a copy was sent to the governor of Virginia and the mayor of Richmond. This referred to one of the greatest catastrophes of the times, which had cast a gloom over the whole State of Virginia. On the night of the fire there were present in the theater a capacity house of 600 people, to witness a new play entitled "The Father, or Family Feuds." A swinging lamp on the stage had to be drawn up to the ceiling and unfortunately swung far enough to one side to set the curtain afire. The whole building was consumed and in the panic seventy-two lives were destroyed, and a large number of people were badly injured. George W. Smith, governor of the state, was in the audience, and lost his life, as did a number of other distinguished citizens of Virginia.

The subject of providing a system which would secure good doctors for the people had now assumed large proportions in the public mind. The law previously passed was found ineffective, and the general assembly spent much time during the present session in formulating a new plan which was enacted in a long statute. It incorporated an organization to be known as "The President and Fellows of the Medical Society of the State of Ohio." In great detail it provided for subordinate branches, in districts specifically named by counties, prescribed the manner of their organization, and the election by them of delegates to a state convention to be held in Chillicothe on the first Monday in November, 1812. It dictated the amounts of membership fees and the disposition of the funds raised by them, and gave into the hands of the society full charge of examining and licensing new physicians and surgeons. Any one practicing medicine without a license issued by this society was to be fined not more than $100. But it was

especially provided that this did not apply to any person called in "to afford relief to the sick and distressed in any sudden emergency."

During previous sessions the matter of building a canal from Lake Erie to the Hudson River had received much consideration, as previously noted, and a commission had been appointed to investigate and report upon it. The subject was regarded as highly important since such a canal would provide a much easier outlet for farm products than shipping them down the Ohio and Mississippi to New Orleans. Resolutions were now adopted, following a report received by the assembly from the commission, expressing the highest opproval of the project, but shifting the responsibility for the canal upon Congress, as it was a matter of national concern. Congress did nothing, and New York alone built the canal a few years later, construction beginning on July 13, 1817, and the first fleet of boats going through from Buffalo to Albany, a distance of 352 miles, in 1825. Notwithstanding the rivalry of the steam boats on the Ohio and Mississippi rivers, the canal went far in revolutionizing the internal trade of America, and gave an impetus to the commercial enterprises of New York City which in a few years placed her at the head of American cities. Ohio secured the great benefits of the canal although she paid no part of the cost of constructing it, which the original plan had contemplated that she should do. Its importance to Ohio farms and factories was seen in the fact that transportation charges through the canal were less than one-tenth the previous charges for conveying merchandise overland to the East.

The formal resolution concerning the state buildings at the new seat of government required that the state house be built of brick, on a stone foundation, 75 by 50 feet, and "on the most approved models of modern architecture so as to combine, as far as possible, elegance, convenience, strength and durability." The penitentiary building was to be 60 by 30 feet with a yard 100 by 150 feet, surrounded by a stone wall 15 feet high. No name had been given the new town, and it was not until February 21, 1812, that the resolution for this purpose was adopted:

"Resolved, That the town to be laid out at the High Bank, on the east side of the Scioto River, opposite the town of Franklinton, for the permanent seat of government for this state, shall be known and distinguished by the name of Columbus."

Exact knowledge as to the factories operating in Ohio in that early day is obtained from the general incorporation law passed at this session. It specified the kinds of manufactures which were to be carried on under the act and the list is a surprising one considering that it had been only ten years before that the land was almost entirely uninhabited and that there was scarcely a settlement of more than a very few hundred people. This list was as follows:

Manufactures of woolen, cotton, hemp or linen goods, or cotton or other yarns, paper, glass or queensware, or pearl or potashes, making from iron ore bar iron, mill irons, anchors, steel nail rods, hoop iron or ironmongery, sheet lead, shot, white lead and red lead, printers' types or any metal used in the manufacture of type, or carrying on any manufacture by the operation of steam.

It was the policy of the Legislature greatly to encourage home manufacture of woolen fabrics among the settlers, and it passed a law for that purpose. It exempted "from taxation, attachments, distresses, execution or sale for any debt or claim whatever, twelve sheep, with the wool thereon, and seventy-five yards of cloth manufactured by the family, of which at least one-half of the raw material shall be wool."

The election campaign preceding this legislative session of 1811-12 had been the most bitter, perhaps, of all the political contests in the state up to that time. Some of the most prominent men of the commonwealth had been compelled to run the gauntlet in which their enemies stopped at nothing in political assault. The case of Gen. Duncan

McArthur, who wished to be reelected to the State Senate, was typical. A large part of his campaign was devoted to defending himself against accusations of personal unworthiness. Much was made of an incident in the Senate chamber at Zanesville during the previous session of the General Assembly. A playing card had been lifted up for his view by another member of the senate, seemingly to attract his attention, and the inference charged was that this was a pre-arranged signal to make an appointment for the gambling table. It was also said that, in a heavy game at lieu in a Chillicothe tavern, he had gone to a window, as if to open it, and while there he had reversed a card in his hand so that it could be seen by a confederate at the gaming table, on which there was a large amount of money at the time. He was accused of disputing loudly while gambling, of winning dishonestly by the use of "pick'd cards," of fraudulently acquiring land which he officially surveyed, of having been "intoxicated when toasted as the next governor of Ohio," etc.

His reply, published in the Fredonian and circulated all over his senatorial district, reveals very clearly that the practice of gambling, for large stakes, was very common among the assemblymen, notwithstanding they had themselves passed the drastic laws against it. McArthur's defense seemed to be that since gaming was almost universal his own gaming should not be held against him as a candidate for reelection. "I presume you know," he wrote, "that your Tammany friend, Col. James Dunlap (the other senator from the district), a communicant in the Presbyterian Church, has been in the habit of gambling and taking a little bread and wine from the hands of the elders, alternately, for seven or eight years past." He denied cheating with "pick'd cards," as well as wrong doing in the matter of lands he had surveyed. He was anti-Tammany, and he turned his guns on the members of the Tammany Society, charged they indulged in political gambling, and had by secret political trickery brought about the change of the seat of government from Chillicothe to Zanesville.

Most of this political fight, which raged for some weeks, dealt with contemptible matters and was carried on in a manner far beneath the dignity of a man who was at the head of the state military forces, was within two years the commander-in-chief of the Northwestern Army, and later filled the office of governor of the State of Ohio. He was reelected senator by a vote of 1,542 to 415.

An event of intense and widespread interest and concern—an earthquake—occurred on Monday morning, December 16, of the year 1811. The papers, of course, devoted much space to it in their columns. The Fredonian contained this first mention of it at Circleville in its issue of the 18th:

"On Monday morning last, between the hours of 1 and 2 o'clock, many of the inhabitants of this place were greatly alarmed by a sudden and violent trembling of their houses which is supposed to have been preceded by an earthquake. The shock was so sensibly felt as to cause many to leap from their beds. About 8 o'clock the same morning a similar shock was experienced, which continued for half a minute—during which time the houses were very considerably agitated. Neither shock was preceded or accompanied by any explosion.

"Since putting the above in type we have seen and conversed with several gentlemen residing at a considerable distance from this place, who represent the shock to have been more severe in their vicinities than what was felt in this place."

There were reports of other tremors during the few following weeks. One of them, in January, was thus reported:

"On Thursday, the 23d inst., at a quarter past nine in the morning, another most violent shock of an earthquake was felt. The trembling was so great as to shake the coffee out of the cups and saucers of

some of the inhabitants who were at breakfast. This shock was much more terrible than the one reported in our paper last month."

It was not until early February that the full effects of the quake became known in Ohio. It had covered a wide expanse—Ohio, Kentucky, Indiana Territory, Tennessee, Maryland, Virginia, North and South Carolina, and the Southwest. It had been felt in Philadelphia, Washington, Norfolk, Alexandria and Richmond:

By these shocks vessels of water were upset, chimneys and gable ends of houses were cracked and thrown down, dogs barked, fowls made a noise and deserted their roosts, people deserted their houses and places of residence. Some were under the pursuasion that thieves and robbers were breaking into their habitations, and others left their beds in consequence of their believing that the agitation proceeded from the exertions of persons under them. The furniture of houses was greatly shaken, and doors moved and rattled upon their hinges. Many of the clocks stopped, bells were set a ringing, water in the wells were put in violent commotion. The parade ground at Georgetown (South Carolina) settled one or two inches below its former level. The shocks were very violent on the Mississippi. The banks gave way in various directions—ten or fifteen acres of ground having sunk down in a body —and one or two of the Chickasaw bluffs have chiefly fallen in. Trees were prodigiously shaken, broken off and tornup by the roots, as is usual in the most violent storms. Nearly all of the islands in the river, containing from one to 200 acres, have sunk or cracked to a very great extent. Trees that lay concealed in the river are said to have been raised erect, several feet out of the water, as those shocks succeeded each other.

The approaching war with Great Britain now became a subject of deep and universal anxiety to the people of Ohio. Early evidence of direct personal concern was seen in publication in the papers of accounts of hostile activities of the Indians, who had been peaceful since the Greenville treaty of 1795, but who now, under British influence, began to terrorize the settlers in the Western and Northern parts of the state. The first definite instance of this was contained in a letter written January 14, 1812, to Governor Meigs at Zanesville, by the commanding officer of the state militia in Darke County, from Greenville:

"The people of this county are much alarmed at this time by the near approach of the Indian Prophet and his party, consisting of about forty-five warriors, who are hunting about thirty miles from here. We were told by two Mingo Indians, who say they are camped about ten miles from this place, that the Prophet and his party are hunting about twenty miles from them, in a western direction. They say they were told by two of the Prophet's men, who came to their camp and said the Prophet's men would kill every white man they came across. We are about to send out spies immediately to discover whether the Prophet is there or not. Our exposed position would render us an easy prey to the Indians should they attack us.

"There are about thirty-six families in this county, living considerably scattered; and should the Indians fall upon us we are not in a situation to assist each other; and as several of them are without guns, we could make but feeble resistance, the nearest settlement to us being on Still Water, which is sixteen miles from this place. The inhabitants have earnestly requested us that we would inform you of our situation and desire that troops may be sent for our protection, and the sooner they are here the better."

This was followed, in successive issues of the papers, by reports of Indian depredations constantly increasing in numbers. There had been a battle in Indiana Territory in which General Harrison, then governor of that territory, had defeated the Indians, but notwithstanding they had signed an agreement to be peaceable, there were frequent outbreaks and murders there. An editorial in a Circleville paper of March 18,

summed up the situation and expressed the hatred of the British entertained universally by the inhabitants of the state:

"Our readers will perceive by the extracts from several parts of our frontiers, inserted in this day's paper, that the perfidious emissaries of Britain continue to excite the Indians to commit depredations on our frontiers—they continue to murder our citizens, to plunder them of their property and to spread carnage and devastation in almost every direction. It is painful in the extreme to be compelled to relate those unparalleled enormities—but who can hear with apathy and indifference such tales of horror as daily come to our knowledge? Who can hear of murders committed with impunity, on the persons of our fellow citizens—of people in affluence and respectability, obliged to leave their places of residence, and see their brightest prospects blasted by the sudden eruptions of a horde of ferocious and unrelenting savages, incited to plunder, rapine and murder by the common enemies of mankind, without feeling a glow of indignation rise in his breast, and a desire to avenge the cruelties inflicted on his unfortunate countrymen absorb all his faculties?

"We hope the twelfth congress, who have so generally determined to repel the unjust and unparalleled depredations of Great Britain on the high seas, will turn their attention toward our western frontier, and will convince the people on our borders that government pays as much regard to their security against the incursions of their savage foes as they do toward the security of the other portions of the Union."

It was so completely taken for granted that the conflict was at hand that for three months before the formal declaration of war the state officials, militia officers and soldiers of Ohio were almost constantly busy taking measures to mobilize, preparatory to marching to Detroit, which was threatened by the British army encamped across the river, in Canada. "Recruiting goes on with spirit," said the Fredonian of April 15, "and there never was a time when more willingness existed on the part of our citizens to support the strong measures of government. The President has called on the Executive of this state for 1,200 militia, 300 from each division, to march immediately to Detroit, and there appears only to be a contest among our young men who shall be the first to step forward in vindication of the honor of our country."

Details of the ceremonies attending the recruiting of soldiers made an important part of the news of the day. The local militia regiments met at places appointed by their colonels, and at these meetings there was much military display, much patriotic speech making, much martial music, and, later, much glory of publicity. General McArthur was conspicuous at all the regimental meetings in the military division of which he was the head. At Jefferson, Pickaway County, he "went round the regiment, attended by the music," and received the resignation of Colonel Denny as commanding officer, and his offer to "volunteer as a private man." This was the popular thing for commanding officers to do. Even McArthur, who was major general, in his division orders, referred eloquently to the President's call for volunteers and wrote, "I shall be one of them. Should the detachment from the Second Division think proper to honor me with the command, I will accept it; otherwise I will cheerfully shoulder by flint-lock, and march in the ranks."

In due time all the volunteers reached the rendezvous at Dayton, where they joined the United States regulars, who had floated down the river from Pittsburgh to Cincinnati and marched to the point of concentration. Maj.-Gen. William Hull, of the United States Army, was there and received from Governor Meigs his formal transfer of the Ohio troops to his command. An intimate touch of all these proceedings was given in a pleasant news-story of May 28, describing the coming to Dayton of the Pickaway County troops:

"Upon their arrival Major Reed, a republican citizen of Dayton, and, as we are informed, the only one of that place, invited them to his home,

where they partook of a splendid dinner prepared for their reception at his own expense. From hunger and fatigue, it seems, as in the land of Egypt, they found a brother Joseph! They ate and drank till they were merry in his presence!!"

One can imagine the glamor of it all, and the high spirits of those raw country men and boys, most of whom had seldom been away from their own cabins. The excitement and patriotic ardor which, under Hull's grandiloquent addresses and promises of glory to be won, made heroes of them all in their feelings and emotions.

But what of those they left behind—their wives and children? The answer is found in the touching memoirs, written many years after, by the daughter of United States Senator Thomas Worthington, who during that summer of 1812 was in her father's luxurious home, the famous "Adena," at Chillicothe. "The horrors and sufferings of the first year of the war," she wrote, "can never be forgotten by the people of that generation. The country was depopulated of men, and farmer-women, weak and sickly as they often were, and surrounded by their helpless little children, were obliged, for want of bread, to till their fields until frequently they sank exhausted and dying under the toil to which they were unequal. My blessed mother was incessantly occupied in giving such aid as her abundant means afforded; but the common misfortune was too widely spread to be reached by anything like adequate succor."

On May 30, the 1,500 militia troops assembled at Dayton were divided into three regiments, under command of McArthur, Findlay and Cass, each with the rank of colonel. They remained there, in "Camp Meigs," for some time before all was ready to begin the march northward.

There was now intense indignation in Ohio because of the opposition to the war in some of the cities of the Atlantic seaboard. The Ohio papers were unsparing in their condemnation of those who were not heart and soul ready to punish the British. Some of them reprinted an open defiance from the Boston Repository:

"Mr. Clay and his Western brethren may make light of our cities being laid in ashes, followed by a flight to Kentucky and Ohio, but we shall take the liberty to think for ourselves, as well as to feel for ourselves, and to determine for ourselves. We tell them plainly we will not go to war. We will not abandon our cities. We will not take flight to the westward. And now let them try their power over us as soon as they please."

The comment of the Ohio papers upon this was in the vigorous western style. Here is a sample of them:

"This is an infamous effusion of a corrupt head and heart. It is plainly a declaration of war—a base and unpardonable act of hostility, for which in any other country but this the writer would be suspended by a cravat of hemp."

Of course political capital was made of it—no opportunity to do that was ever missed. The Boston Repository was a Federalist paper, and the editor we have quoted was a republican. He warned the Federalist editors in Ohio against taking a stand similar to that of the Boston paper, or they will be compelled to seek an asylum in some happy corner of their favorite Britain, where they can feast alone in glorious exultation for having openly opposed the country which gave them birth—the country which is now pursuing rigid measures to save them from the kidnapping hand of the English and the scalping-knife of the Indians."

While the soldiers were still at Dayton, preparing for their march to Detroit, there was renewed uneasiness among the settlers in the northern sections of the state. News came that "our frontier settlers are removing with all possible expedition; many families who have resided at Sandusky for many years in the strictest friendship with the Indians, and who were well acquainted with their manners and disposi-

tions, have deemed it unsafe to remain there any longer, and have removed their families to the town of Delaware."

By the first week in June "The Army of Ohio" was ready to move, and on the seventh it entered Urbana. Governor Meigs was there, and he and General Hull held a treaty conference in the woods with twelve of the principal chiefs of the Wyandots, Shawnees and Mingoes. The celebrated Tarhe (or The Crane) was among them. The talk was reported in full to the press. "After some hours the chiefs entered into a written agreement that General Hull should have the liberty to open a road to the foot of the rapids of the Miami of the Lake, and to build block houses on the road." Colonel McArthur's regiment was assigned this task. It opened the road and erected block houses every twenty miles.

A special messenger service was established between the principal towns of the state and the army. Fast riders carried letters to and from the soldiers, and in this way the newspapers were kept informed promptly of all that was going on at the front. War was declared by Congress on June 19, and after that fact became known hostilities were carried on actively between the two armies. The letters home, before long, began to give signs that the Army of the Northwest was in distress. There was sickness and want of supplies. Gradually there were references in the letters indicating want of confidence in the high command, and finally came the shocking news that the expedition had completely failed because General Hull had surrendered Detroit to the British, without a fight and to an inferior force. The date was August 16.

Instantly this disaster became known there was rage and despair in Ohio. The press and public were aflame. "At this awful moment," sounded a call to the people, "when the commander-in-chief of the Northwestern Army has turned tory by the influence of British gold, and surrendered a brave army to the arms of aristocracy, it is hoped that every friend of his country will attend a meeting"—to be held at the Chillicothe courthouse on September 2, to decide what should be done in the situation.

Samuel Finley, a general of the state militia, a man more than sixty years old, issued a call directing attention to the "perilous situation of our frontier settlements, exposed by the inglorious surrender of the important garrison of Detroit, to the ravages and desolating fury of a treacherous and cruel enemy." He asked the men to contribute personal aid to "succor the distressed and avenge their country's wrongs." He resigned his position as president of the Bank of Chillicothe and volunteered "to conduct a body of about 300 horsemen, well armed and accoutered, to seize every opportunity to harass the enemy in their excursions and carry devastation into their towns and settlements."

The Chillicothe meeting of September 2 was presided over by Chief Justice Thomas Scott of the Supreme Court. It adopted resolutions, and addressed a letter to Governor Meigs urging that he take measures to protect the settlers by sending militia to their assistance. But the energetic governor had lost no time. He had repaired to Urbana at the first news of the disaster, and from that town made detailed disposition of the militia to protect exposed positions and to build block houses to which settlers could flee for safety. Gen. William Henry Harrison had already succeeded Hull as commander-in-chief of the army, had established headquarters at Piqua, and had the military situation well in hand. He called for Ohio volunteers to rendezvous at once at Dayton, "carrying their own salt provisions." General Finley delivered a public address commending General Harrison for his prompt measures, and Governor Meigs issued a proclamation urging the citizens of Ohio to respond instantly to General Harrison's call for volunteers.

But another election for governor was to be held in October, and politics again became temporarily important. The enemies of Governor

Meigs, who was a candidate for reelection, were active against him, charging him with responsibility, in some way, for the condition in which the militia found itself, whereupon officers of the detachment of soldiers who had been at Detroit on September 24, wrote a letter to Governor Meigs, which was broadcasted through the press. "As officers," it naively stated, "we are not permitted to assign the causes of that shameful surrender, or charge the commander-in-chief of that army with imbecility, cowardice or treachery." It commended Meigs and condemned the political enemies who had "privately slandered him." The letter was signed by forty-one officers, the name of Brig.-Gen. Edward B. Tupper at the head of the list.

Generals Harrison and Tupper, with the new army of 1,200 volunteers, soon embarked upon a new expedition to the North, and on November 25 the papers announced "Glorious News. Brilliant Victory of General Tupper Over British and Indians at Rapids of the Miami."

General Harrison issued general orders thanking General Tupper and his gallant corps for their success. This, with news of many victories of the American Navy, had a good effect in relieving the tension, and fears of further devastations by the Indians gradually subsided. The capture of the British frigate Macedonia, by Captain Decatur, of the American frigate United States, on October 25th, news of which reached Ohio in December, was hailed with a frenzy of delight, and the largest type the papers had yet displayed was placed over the accounts of the engagement. One ecstatic outburst of headlines was:

Victory! Victory!
The United States Navy
The
Wonder of The World
And The
Pride of America.

Eleventh Legislative Session

December 7, 1812, to February 9, 1813

Thomas Kirker continued as speaker of the Senate. There was a new presiding officer in the House—John Pollock, of Clermont County.

Of course the all-absorbing topic was the war. As it had commenced since the adjournment of the previous House and Senate, those bodies had had no opportunity of taking any new action with reference to it. Governor Meigs appeared in person before them on the third day of the session and in his annual message officially notified them that the United States had declared war against Great Britain in the interim. The tone of his whole address was one of patriotism and of defiance to the enemy. It is well worth quoting here in full:

"Gentlemen: A new and important period has occurred in the American history. The people of the United States have been driven into a necessary war to preserve its inalienable rights.

"A nation, to be free, must possess the right of enjoying what the Great Author of Nature, who spread the waters upon the great deep in His wisdom, had designed. No particular nation can appropriate to itself that in which every other has the natural right to an equal participation, nor with justice arrogate to itself the prerogative of a domination of the ocean.

"The declaration of war is but a practical renewal of the Declaration of Independence, in which celebrated performance is contained a recital of many of those acts of injustice and oppression which caused its adoption—and of which the nation again has reason to complain—and which a sense of duty urges to oppose with all the force of the Union.

"Since the adjustment and candid offers of preliminary arrangements, on the part of the United States, have not been met with corres-

pondent desires, it is to be hoped, as it ought to be reasonably expected, that every energetic means will be urged to bring, by force, the war to a just, speedy and honorable termination.

"The government of the United States has ever, with an increasing philanthropy and great expense, labored to civilize the savages on her borders—to diminish the ferociousness of their natures, to cultivate among them the arts of peace, to estrange them from the cruel rites of Moloch, and to inspire them with a true knowledge of a beneficent Deity.

"The contrast is obvious. On the ocean your impressed brethren are compelled by the torturing lash to raise their unwilling arms against the country of their birth, and in maratime exile drag out an unhappy existence. On the west the hordes of barbarians, stimulated by British influences, tear alike the scalp from the mother and the infant in her arms, and with relentless fury stain the land of freedom with the blood of her sons.

"Thus on our frontiers, on the part of our enemy, the war is characterized by the disgraceful alliance of pretended civilization and inexorable barbarity.

"Yet through an apparent cloud in the western horizon the brighter light of future prospects may be reasonably anticipated, nor do I deem the time far distant when the western and northern boundary lines of the state shall be run and designated as provided by a law of the United States, passed at the last session of Congress—and when a great portion of the Indian title within them shall be extinguished and territorial indemnification acquired from the heathen remnants of those mighty hosts which have warred upon us without reason or provocation.

"Situated as is the State of Ohio, bordered by hostile tribes and English possessions, new and weightier duties are required. The man who would desert a good cause is unworthy to defend it. Let us banish all rivalry beyond the honorable emulation which is devoted to the public weal and redounds to its benefit and support. Let no man shrink from his duty in whatever station the laws of his country may have placed him.

"The veterans of the Revolution, where are they? And the fathers of our independence, do they live forever? No; they are gone; but from new exigencies new warriors will arise and defend the heritage of their fathers. To our own exertions let us add a reliance on the protecting arm of Him who shakes the foundations of the continents and takes up the isles of the sea as a very little thing."

The response of the legislators to this eloquent appeal was the immediate adoption of resolutions pledging support to the utmost. While deeply earnest and full of a spirit of determination, they were calm and singularly free from the declamatory outbursts which so frequently characterized the patriotic declarations of those times:

"Impressed with a full conviction that the war in which this nation is involved is, on our part, just and necessary; that the course pursued by the administration in recommending the measure, and in its mild, conciliatory and continued efforts to secure to this nation an honorable peace, merits the entire approbation of this General Assembly; and that not only the honor and dignity of this people, but its continuance as a free and independent nation, depends upon a vigorous prosecution of the war, therefore,

"Resolved by the General Assembly of the State of Ohio, That in the name and in behalf of our constituents, we pledge ourselves to aid the national government in the present emergency to the extent of our resources; and we do this in the hope that the goodly heritage of our freedom may descend from us to posterity as we received it, excellent and unimpaired.

"Be it further resolved, That we have seen, with emotions of much concern, the protracted delay of the English government to render jus-

tice to this nation for its outrageous depredations upon us; and that we will afford to the constituted authorities, in whose wisdom and firmness we place confident reliance, our utmost support in their efforts to sustain the honor of the nation, and to obtain suitable amends for its injuries."

The spirit of the Legislature was but a reflection of the spirit of the people whom it represented. Almost every white man of military age, and thousands above and below it, volunteered for service at some period of the war. Ohio furnished almost three times as many soldiers, in proportion to the population, as any state east of the Alleghanies—ten times as many as some of them.

Official canvas of the vote cast for governor at the previous October election was made on December 15. Governor Meigs was reelected, his vote having been 11,859, a majority of 3,956 over his opponent, Thomas Scott. On the next day the vote for congressmen was opened by the Governor and the Secretary of State in the presence of the Legislature. The increased population, as disclosed by the census of 1810, now entitled the state to six representatives in Congress, and the returns showed that the following men had been chosen in the various districts: John McLean, John Alexander, Duncan McArthur, Wm. Creighton, Jr., James Caldwell, James Kilbourne, and John S. Edwards. The last named resigned to go upon the Supreme Bench and he was succeeded in Congress by David Clendenin.

All of these men were prominent in the early history of the state, and short biographical mention of some of them has already been made in these pages. John McLean became one of the outstanding figures of the nation. He resigned the office to which he was now elected, after serving some time, to become supreme judge. He occupied this position six years, was appointed postmaster general of the nation, and in 1829 was made an associate justice of the Supreme Court of the United States. His name was three times brought before conventions for nomination for President. Creighton afterwards became a United States district judge in Ohio. Caldwell had been a member of the first constitutional convention and of the State Senate. He was a captain in the War of 1812 and stood very high in all his relations in life. He was a successful merchant and banker at St. Clairsville. Kilbourne was the founder of Worthington. He was an ordained minister in the Protestant Episcopal Church, but was very active in public life through many years. As surveyor of lands he laid out the City of Sandusky. He was colonel of an Ohio regiment in the war. He remained in Congress two terms.

Jeremiah Morrow was elected United States senator at this session, by a vote of sixty-three to eighteen cast for Calvin Pease, that district judge who a few years before had all but been impeached for declaring a state law invalid. Morrow had been a congressman since 1803. He served six years in the United States Senate, after which he was elected governor of Ohio. He was conspicuous in official life almost to the time of his death in 1852.

New counties established were Medina, Harrison, Richland and Monroe.

The work of preparing the wilderness on the high bank of the Scioto River opposite Franklinton, to be a fitting place for the capital of the state, was already in progress. The Legislature was quite unwilling that there should be any delay in carrying it forward on the part of those who had made promises of what they would do. A law was now passed providing "a director of the town of Columbus," under $4,000 bond and with an annual salary of $600. It was part of his business to prevent the digging up of the streets and the public square provided for the state house and the carrying away of any of the wood on the property donated to the state. The general purpose of the act was to require "the proprietors of the town" to fulfill to the letter their part of the

contract under which the state had located the capital there. A Mr. William Ludlow was appointed to this position, and he kept himself busy for some time investigating such matters as the quality of the materials and the skill of the workmen employed in the erection of the public buildings.

In the midst of the anxiety over the welfare of the soldiers, the success of the arms of the state, the raising of the large amounts of money necessary, and other matters of supreme importance incident to the war, the Legislature did not forget the morals of the citizenry. It became especially exercised over the evils of billiard playing, and singled this out for the special vigilance of court officials. Section 1 of the act for this purpose was as follows:

"Be it enacted by the general assembly of the state of Ohio, That if any person shall keep or procure to be kept any billiard table or billiard tables, in his or their house, outhouse, or other building, the person or persons so procuring or keeping such table or tables shall, for every such offense, on conviction, by presentment or indictment of the grand jury of the county, be fined in the sum of $100 for the use of the county where such offense is committed; and it shall be the duty of the presiding judges of the several courts of common pleas in the state to give this act specially in charge to the grand juries attending their respective courts."

What would those stern and austere moralists think if they could visit the hundreds of billiard rooms of the Young Men's Christian Association and other religious bodies in Ohio in the twentieth century?

The balance in the state treasury for this year of 1812-13 was $8,556.04. Notwithstanding the extraordinary increase in expenses incident to the war, this was much the largest balance the state had known at the end of any year. It was another concrete evidence that population and wealth were growing rapidly. The revenues were growing proportionately.

Legislative action at this session seems to indicate that the gambling evil had arrived at an acute stage. Faro was singled out in a special law, and playing that game was punishable by fines of from $50 to $200. A penal impost was laid upon playing cards, and any one bringing a pack of them into the state was subject to a fine of from $5 to $20.

But all matters were subordinate, in the public mind and in legislative consideration, to the war. Within a few days after the session met the governor, in a special message, recited the distressed condition of General Tupper's brigade, which had marched to the relief of Detroit after its surrender to the British. He stated that the brigade was in an almost starving condition on the northern borders of the state, having been compelled to fall back to escape capture. The General Assembly instantly provided relief, hurried forward supplies, and rescued the soldiers. The difficulty of supplying the state troops with necessities sometimes emphasized the lack of facilities incident to the remoteness of the state from the center of things. For instance, a bill was passed appropriating $4,000 for blankets, and an agent who attempted to purchase them found none available. The supply west of the Alleghanies was exhausted, and it would take a long time to secure them in the East. Under these circumstances another act was passed authorizing the agent to purchase, in lieu of the blankets, "such other articles of clothing as shall, in his opinion, be most beneficial for the use of said militia."

An act was passed shortly thereafter appropriating $40,000 to enable Generals William Henry Harrison, Winchester, Tupper and Perkins to carry out a contemplated movement against the British forces. This was by far the largest appropriation for any single purpose up to that time since the state had come into existence.

General Hull's surrender of Detroit was a matter of deep concern to the General Assembly, as it was to all the people of Ohio and the

Nation. The conduct of the Ohio militia volunteers in Hull's army was the subject of appreciative resolutions adopted early in the session:

"WHEREAS, It is deemed of vital importance to every republican government that, an ardent love of country should characterize its inhabitants;

"WHEREAS, Those are especially deserving of the gratitude of their country who stand forth early and with alacrity in its defense: and

"WHEREAS, This general assembly have been advised of the promptitude and honest zeal with which the corps of volunteers from this state (lately under the command of General Hull) assembled,—were organized and marched into the enemy's country, and of their bravery and general good conduct; therefore

"BE IT RESOLVED, That the thanks of this state are due to the officers and soldiers composing the said corps for the patriotism, bravery and general good conduct which they evinced during their late arduous and disastrous expedition."

That the state was overrun by quack doctors, men without conscience, education or training for the profession, was frequently noted in the newspapers of the day. The various attempts of the General Assembly to find a method of standardizing the practice of medicine had all proved ineffectual, including the law of the 1811-12 session. This gave occasion for the act of January 14, 1813, repealing all those previously placed upon the statute books, and adopting a new plan It was before the days of efficient medical colleges, and the state board of health was yet in the distant future. It had not occurred to the legislators that any salaries ought to be paid, or other expenses incurred, to secure the necessary service of good physicians in the work of preventing incompetents from calling themselves doctors, and it is likely that this was the cause of failure of the various experiments made. It was hardly to be expected that the best physicians would devote the large amount of time necessary to examine candidates for places in their ranks without compensation. At any rate they did not do so. Nor, apparently, did it occur to anyone, even now, to pay the examining doctors for the services they were asked to perform. The new law divided the state into seven districts, and appointed, by name, physicians of each county to be censors, or examining boards. No one could practice without the approval and license of these boards. Applicants were required to show that they were of good character and could answer satisfactorily questions put to them on anatomy, surgery, materia medica, chestry "and the theory and practice of physic."

An enactment of January 14, 1813, reveals another peculiar angle in the public lottery enterprises. Apparently all the men under whose management the General Assembly placed the details of raising the money were not reliable in their dealings, for the law granted to holders of lottery tickets the right to sue such managers for money won in the drawings and not paid by them; also the right to sue for money paid for tickets in lotteries in which drawings were not held at the time advertised. These were not for private lotteries. They had been outlawed. They were for lotteries in which the selling of tickets was authorized by the state. The passage of this law shows clearly that all was not straight in the public lottery business.

Interest of the people of Ohio in the news of the day must have been at a high pitch throughout the year 1813, for almost every issue of their papers contained news of the most exciting character. It was almost a century prior to the era of "sworn statements" of enormous circulations by newspaper managers, but occasional modest paragraphs appeared in the little four-page weeklies indicating that they were enjoying gratifying increases in the numbers of their subscribers; the paragraphs usually concluded, however, with appeals for payment of

subscriptions in arrears, and offers to accept maple sugar and other articles in lieu of cash.

A good many things were written besides news of the war. But politics seemed to be largely forgotten, and the Tammany war no longer had a place in the public prints. There were accounts of the disaster which had overtaken Napoleon's army in the Russian campaign, and later some space was devoted to the activities of the newly aligned allies which shortly afterwards brought on his downfall and sent him to Elba. There was an occasional paragraph referring to the court martial of General Hull, for his surrender of Detroit, which had been ordered but had not been held because many of the sixteen officers appointed to serve on the court were too active in service to give it the necessary time. An item, seemingly regarded as important, was the establishment at Chillicothe of a new school "for the improvement of young ladies," in which they could learn reading, writing, sewing, geography and English grammar, embroidery and tambour, drawing and painting. A new tavern was advertised in the same town "at the sign of George Washington." A brief paragraph was made of a "horrid murder" on the streets of Chillicothe, and the escape of the murderer. Reports appeared of great terror among some people of the state over a new star in the heavens, but their fear was allayed when a learned astronomer assured the people that it was only the planet Mars. There was notice of a Methodist camp meeting on the Scioto River bank, "on the Pickaway Plains at the mouth of Scippio creek." Advertisements of rewards for capture of runaway slaves continued to be frequent. The Bank of Muskingum, at Zanesville, was broken into and $10,500 stolen. A reward of $1,500 was offered for the capture of the rogues who had done it. A large display advertisement offered 1,898 muskrat skins for sale.

There was no election in October except for members of the General Assembly; there were three-line announcements of candidates, but no comments, no reports of meetings of endorsement, no attacks on personal character—none of the exciting preelection matter which had filled the papers in previous years. Departments of "humour," anecdotes and poetry had entirely disappeared. The editors were apologetic over having too little room to print communications received, and they rather often noted that they had even been compelled to omit advertisements because of press of important news.

But the papers were filled to overflowing with news of reverses and victories at arms and incidental stories throwing light upon the military and naval maneuvers, and the actors in them. The people were thrown alternately into despondency and exultation.

Gen. William Henry Harrison, although at the head of the Army of the Northwest, ranked only as a brigadier general in the national forces, and this placed him in an embarrassing position because some of his officers held the precedence of seniority of appointment; and this produced confusion and difficulties for him which caused him seriously to consider sending his resignation to the President. This led the people in many towns of the state to hold meetings and adopt resolutions calling upon the general government to make him a major general. They invariably pointed out the very serious need of a commanding officer of great experience and wisdom, and they were alarmed at the possibility of losing General Harrison's services. Their appeals were finallly granted at Washington, but not until after a great catastrophe to the army which the people were sure would not have occurred if Harrison had been in supreme, unquestioned command. This was the disaster which overtook Gen. James Winchester on the Maumee (then known as the Miami of the Lakes).

The people of the state were apprised of this by a long account in the Fredonian of February 2, 1813, from which we quote:

"With the most poignant sensations of grief we perform the most melancholy task of announcing to our readers the entire destruction of

the advanced guard of the Northwestern Army, consisting of about one thousand men under the command of General Winchester. * * * Although from the vicinity of the enemy and the facility with which they could cross over, the danger of an attack was evident, yet, unaccountable as it may appear, not the least precaution was taken for the security of the army. The night preceding the fatal morning, we are informed that General Winchester had taken up his lodgings at a private house three quarters of a mile from the troops; the officers had been billeted in the several houses in the neighborhood; and the soldiers were lying in promiscuous groups in barns, pens, &c., without order or regularity. The enemy, being probably apprised of the unguarded situation of the American troops, attacked them at daybreak on the morning of the 22d ult. with a force of about 1600 or 1800 Indians and two or three hundred British, with six or eight pieces of artillery. The attack was so sudden, and our troops were so completely surprised, that the roaring of the British cannon gave them the first intimation of danger. The scene of confusion which ensued can be imagined, but not described! The officers not being able to find out their men, the greatest part of the troops could not be formed, so that very little, if any, resistance was made. A few succeeded in making their escape; the remainder were either killed or taken prisoners. The unfortunate General Winchester was killed, scalped and mangled in a most shocking manner."

This account, although not based on official reports, was later found to be substantially correct in most particulars. But the statement that General Winchester had been killed was an error. He was among the prisoners—and died in his bed at home in Tennessee thirteen years later. The defeat was naturally the cause of much unfavorable discussion of General Winchester and of the lack of experienced and energetic commanders. General Harrison, while deploring the disaster, said it was by no means irreparable. Governor Meigs called the attention of the General Assembly to the situation created. His desire was that those volunteers in the army whose terms of enlistment were about to expire should be encouraged to remain in the service, and the Legislature appropriated $40,000 to pay them a bonus of $12 a month each for so doing.

The newspapers contained reports of a number of public meetings called to consider General Winchester's defeat and the destruction of his army. One at Cincinnati resolved:

"We do not for a moment despair of the Republic, having the fullest reliance in the abilities and will of the nation to repair and avenge the loss; and we will hold ourselves in readiness to repair to the standard of our country when our services shall be necessary."

But it also took the occasion to express its highest confidence in the military science, experience and patriotism of General Harrison, declaring, "We would view his retirement now as a national disaster." A copy of the resolutions was ordered sent to the President and the Ohio representatives in Congress.

The offer by the General Assembly of a $12 monthly bonus to those Ohio volunteers who should remain in the service was unavailing, and most of them returned home as soon as the period for which they had volunteered had expired. The editors excused them for this because of the hardships they had endured, but they feared their return would produce a bad impression. One of the editors on March 2d, appealed to the people on their behalf. "We trust," he said, "that they will be treated by their fellow citizens with that distinction to which their services so justly entitle them." Just before leaving the army the volunteers' officers handed General Harrison an address of appreciation and confidence, and he made them a written reply, in which he said, "In the whole course of your services, gentlemen, I know nothing that you could have done to promote the cause in which we are engaged that you have not done."

Another incident in which General Winchester was involved occupied much space in the columns of the newspapers at this time. In the previous October he had ordered Generel Tupper under arrest because he had not obeyed an order which he gave him. A Court of Inquiry had been appointed, and in March, 1813, it made its report, which was given wide publicity. It showed wretched conditions in the army. The report was in part as follows:

"The charge was that General Tupper refused or neglected to obey the orders of General Winchester of the 6th and 7th of October, 1812; and that he improperly omitted to pursue with an organized force the Indians who shot one of his men on the 5th of the same month.

"General Tupper admits that he did not obey the above orders, and neglected to pursue the Indians as above stated; and as an excuse or justification of his conduct relative to said orders he adduced to this court's satisfactory proofs of the following facts, viz:—That most of the ammunition in possession of the soldiery was damaged by long and frequent rains, and rendered unfit for service; that he called for a supply, but was unable to obtain it; that the troops were almost destitute of provisions and a supply could not be obtained; that the force of the enemy was represented as much superior to their own; all which circumstances combined to create a panic among them, and to induce a considerable proportion of them to refuse to march under the aforesaid orders."

The Court of Inquiry regarded these excuses of General Tupper for his failure to obey General Winchester's orders as perfectly satisfactory, and it exonerated him from the charges.

Notwithstanding reverses of the army, there was always a fresh supply of men ready to meet every demand made upon them. Not once was it necessary to resort to a draft. There was almost incessant activity in recruiting, equipping and forwarding all the men needed, promptly and with dispatch. General Harrison, at headquarters in Franklinton after a trip from Sandusky, issued a statement containing these passages:

"The Commanding General has observed with the warmest gratitude the astonishing exertions made by his excellency Governor Meigs, and the general and other militia officers of this state, in collecting and equipping a body of troops for the relief of Fort Meigs; but the efforts of those gentlemen would have been unavailing if they had not been seconded by the patriotic ardor of every description of citizens, which has induced them to leave their homes at a most critical season of the year regardless of every consideration but that of rendering service to their country. The General found the road from Lower Sandusky to this place literally covered with men—and among them many of those who had shared in the toils and dangers of the Revolutionary war, and from whom, of course, there had been no legal claim for military service."

There were also frequent movements through the state of detachments of volunteers from Kentucky and Eastern states. At a banquet given by the citizens of Chillicothe to Captain McRea's company, of Petersburg, Virginia, on its way to join Harrison's army, "after the cloth was removed twenty toasts were given, accompanied by patriotic songs and martial music from the band." One of the toasts given was "Tecumseh, the most intrepid Indian warrior of the West—May the Petersburg volunteers divest the savage of his ferocity, or number him with the dead." Captain McRea gave them, "Governor Meigs of Ohio —a true patriot, a friend of his country, an honest man, 'the noblest work of God.'"

The raising of the siege of Fort Meigs, in May, was the occasion of great rejoicing by the people. The governor, through his aide-de-camp, issued general orders notifying the volunteers hastening to the fort that their services were not necessary, and therefore giving them their honor-

able discharge. "The most important fortress," said he, "in the western country, Camp Meigs, was invested by the enemy; information of it reached his Excellency and orders were issued. In an instant you were soldiers! The promptness, good order, and regularity of your march to the frontier excites admiration. His excellency is entirely satisfied with your conduct and for it returns his warmest thanks." This was followed by General Harrison's "expressions of his high sense of the distinguished valor which the troops manifested in each of the conflicts in which they were engaged." He congratulated them upon their having completely foiled their foes, "and put a stop to that career of victory which has hitherto attended their arms."

Similar official expressions followed the glorious defense of Fort Stevenson, at Sandusky, and Major Croghan, the commander there, found himself famous. There were fine letters accompanying a beautiful sword presented to him by the ladies of Chillicothe, and his very modest reply, hoping that he might become worthy of it.

But it is evident from the newspaper reports that there had grown up some dissatisfaction with the war among certain classes of the people. At a patriotic meeting in the courthouse at Lebanon a series of resolutions on various war subjects was adopted, among them this:

"Resolved, That those who endeavor to palsy the energies of government by exciting division amongst the citizens and groundless complaints against the administration, ought to be viewed with a jealous eye and marked as enemies of their country."

Touching upon this same subject, the Fredonian, after there had been some unusual successes in the army, printed a very bold editorial, from which the following sentences are taken:

"The late brilliant successes of our army on the lakes, while they will effectually dissolve the union now subsisting between the British and the Indians, will be productive of another effect equally beneficial. They will, in many respects, give a new tone to the public opinion. While our arms were unfortunate on land it was the constant policy of those who have enlisted their talents on the side of the enemy to impress on the minds of the uninformed that our misfortunes were to be attributed solely to the retributive justice of Providence. * * * Many well meaning persons were led astray by these false teachers and conscientiously thought it their duty to withhold their support from their government, under the impression that they were engaged in an unjust contest. * * * But we have every reason to rejoice at the auspicious turn which the opening of the present campaign has given to our affairs, not only on account of the effect which it will have upon the enemy, but also because it will effectually open the eyes of many of those who have hitherto been the dupes of an unprincipled and anti-American faction."

The editors felt free to comment on military matters, and they sometimes included General Harrison himself in their critical assaults. His first decision to evacuate Fort Stevenson, at Sandusky, and to burn the stores there, was especially attacked by some of them. And even a meeting of the general and field officers of the militia went as far as they dared in censure of him because of a seeming misunderstanding between Harrison and Governor Meigs over the retention at the north of 2,000 volunteers, after the second attack on Fort Meigs. They adopted a preamble and resolutions, including this: "Resolved, That the conduct of his excellency the Commander-in-Chief of the Northwestern Army is on this occasion shrouded in mystery and to us perfectly incomprehensible."

Of course a great deal of space—many columns, in fact—was devoted to condemning this action by the militia officers, and doubtless there was much acrimonious disputing over it among the readers of the papers.

The press had kept the people quite fully informed as to the prep-

arations by Commodore Perry in his undertaking to rid Lake Erie of the English squadron which had been built and was lying ready at Malden. Perry's departure from Erie, where his vessels had been constructed under his own direction, was recorded, as well as his hunt for the enemy's ships. An officer of the army had made a voyage with the fleet and wrote an account of the pursuit of British vessels in which it was discovered that Perry's vessels in general sailed one-third faster than those of the enemy. The battle might have been fought at that time had not darkness and a severe storm intervened.

The result of the battle, which everybody knew was about to be fought, was awaited with the greatest anxiety, as the public fully appreciated the tremendous importance of achieving a victory. There was very unusual speed in spreading the news after it occurred. General Harrison, at Camp Seneca, received the famous "We have met the enemy and they are ours" message of Perry the second day after the engagement, and by the evening of the next day—September 13th—a special express reached the state capital with copies of the commodore's dispatches to the commander-in-chief. They were published in the Fredonian of the 14th and in the Supporter of the 15th. "On the receipt of the above information the town was illuminated and every demonstration of joy expressed."

A week later the papers noted that the British naval officers had arrived in Chillicothe as prisoners of war. The men arrived later. The wounded had been taken to Cleveland. Shortly thereafter the public was informed that the officers were being kept in close confinement in retaliation for similar treatment given American officers by the British in Canada.

For several weeks after the Battle of Lake Erie the Ohio papers devoted many columns in every issue to Perry and the demonstrations in his honor in all parts of the East. There was almost no limit to the rejoicings over his wonderful victory. In most of the articles, wonder was expressed that such an achievement had been won by a man only twenty-eight years old. The event received far more publicity than did the earlier exploits of Lawrence and Decatur.

A rather peculiar political note resulted from the great attention Commodore Perry received. The Supporter, which was strongly federalist, could not resist the opportunity to say: "Commodore Perry, who so lately distinguished himself on Lake Erie, is a decided Federalist. It is somewhat singular that the war party should style the Federal party tories when every victory which we have yet acquired has been gained by Federalists, and all the inglorious defeats have been from men of their own party."

The people had another intense thrill when the journals of October 19th gave them "the highly gratifying intelligence" that the forces under General Harrison had captured the whole of General Proctor's army. "This glorious achievement," said the Fredonian, "which puts us in possession of the greater part of Upper Canada, was hailed by the people of this town as a prelude to future successes. A brilliant illumination took place, and every citizen testified his satisfaction at the happy event by every possible demonstration of joy. Party distinctions were in a great measure forgotten, and we rejoiced to see the Federalists unite with the Republicans in celebrating this great victory."

And now, toward the end of 1813, the second year of the war, appeared for the first time in the newspapers of Ohio, a new name. There had been fighting with the Indians in the South, and the official report of the action was signed, "ANDREW JACKSON."

TWELFTH LEGISLATIVE SESSION

December 6, 1813 to February 11, 1814

At this session a new face appeared on the rostrum of the speaker of the Senate. Thomas Kirker, who had so long presided, was defeated by

Othniel Looker, of Hamilton County. John Pollock remained as speaker of the House. Adam Betz was doorkeeper, as he had been successively ever since the first session in 1803, and as he was to be for several years longer.

Speaker Looker was born in New Jersey, had served for five years as a Revolutionary soldier, had been a member of the New York Legislature, and had moved to Cincinnati in 1804. He was fifty-six years old when elected speaker of the Ohio Senate in 1813, and lived to the age of eighty-eight, serving as judge of courts of common pleas and in other official capacities. His last years were spent in Illinois.

Governor Meigs' message to the Legislature dwelt at length upon the progress of the war, and referred with great pride to the victory won on the 10th of the preceding September by Commodore Oliver H. Perry and his officers and men over the British in the naval battle at Put-in-Bay on Lake Erie. This was the last engagement of the war to take place in Ohio territory. Governor Meigs also detailed the services of the state militia in the war and highly praised the officers and men for their gallant conduct.

A new problem now confronted the Legislature. The United States Government levied a direct tax upon the states to aid it in the prosecution of the war, and the first sum demanded of Ohio was more than $88,500. This was more than the total annual revenues of the state, which was, besides, paying for its own militia service. The amount available in the state treasury at the moment was $30,000. But the Government's demand was for immediate payment. An act was therefore passed without delay authorizing the governor to borrow $55,000, which he did, and the state treasurer paid $88,527.62 into the treasury of the United States. The whole incident shows the wonderful spirit of the people of that day. They made no complaint, but met every situation, however difficult, promptly and completely. The necessity of paying nearly $90,000 on immediate demand, in 1812, with a population of something over 250,000, was a heavy burden on the State of Ohio.

War measures and activities occupied almost the whole time of this Legislature, and very little attention was given to civic matters.

But one evil not connected with the war had become a menace, and was dealt a death blow, so far as legislation could accomplish that end.

It has been seen that gambling was a common practice even among the members of the General Assembly itself, and that a future governor had vigorously defended himself against aspersions on his honor for having used "pick'd cards" in making his winnings at lieu. The gambling habit had grown to an alarming extent among almost all classes, notwithstanding the stringent law which had been on the books for a number of years—one law going so far as to impose a penalty of $20 for each pack of playing cards brought into or owned in the state.

The General Assembly now addressed itself anew to correcting the gambling evil. In an act passed January 4, 1814, gambling debts were made "utterly void." The language describing such debts seemed to cover the whole subject: "Promises, agreements, notes, bills, bonds or other contracts, mortgages or any other securities whatever, when the whole or any part of the consideration of such promise, agreement, conveyance or security shall be for money or any other valuable thing whatsoever, won, laid or betted, at cards, dice, tables, tennis balls, or any other game or games whatsoever, or at any horse race, cock fighting or any other sport or pastime, or on any wager whatsoever, or for the reimbursing or repaying of any money lent or advanced at the time of such play, bet or wager." The law allowed gambling losses to be recovered by suit at law.

The law-makers had a lively sense of the evils of the gambling habit, as the language of another section indicates:

"It must often be attended with quarrels, disputes and controversies, the impoverishment of many people and their families, and the ruin of

the health and the corruption of the manners of youth, who upon such occasions often fall in company with lewd, idle and dissolute persons, who use this way of maintaining themselves."

Therefore, gambling was to be fined from $10 to $70 for each offense, and the person convicted must furnish security not to gamble again for twelve months. Cheating at gambling was punishable by a fine of from $50 to $500, and the man or woman keeping a tavern or other public house who permitted gambling was to be fined from $50 to $200, forfeit his or her license, and not be licensed to keep a tavern again for a year.

In the West the curtain had descended on the stage of war after the battle of Lake Erie and Harrison's capture of General Proctor's army. The papers of Ohio continued to tell their readers of unimportant engagements with the Indians and of minor movements of troops in Upper Canada and along the waters connecting Lakes Huron and Erie, but the anxious concern of the people for their safety and the lives of their volunteer soldiers had subsided.

The state press of 1814 carried much news, however, as to war activities in the Niagara section, in the South, in the harbors of the East, and on the high seas. Publication was made of every scrap of information and of rumor about negotiations for peace. The editors had informed their readers during the latter part of the preceding year that the Czar of Russia had offered his good offices looking to a peace conference at St. Petersburg by commissioners of the United States and of Great Britain, and of the appointment by President Madison of John Quincy Adams, Henry Clay, Albert Gallatin, James A. Bayard and Jonathan Russell on this mission. Throughout the whole year 1814 there were many references to this subject, which were, of course, read with intense interest. The inhabitants of all the cabins, hamlets, villages and towns followed the changes of location of the conferences—to Gottenburg, to London, and finally to Ghent, where a "treaty of honorable peace" was finally signed on December 24, 1814, more than a year after the American commissioners had first arrived in St. Petersburg.

Gen. Andrew Jackson, almost unknown until the end of 1813, now became a very important factor in the news of the day. He won a series of victories over the Creek Indians in the South, and his reports of them, filling many pages, were published in Ohio and read with avidity. On June 18th it was announced that the President had appointed him a major general in the army of the United States, "in the room of General William Henry Harrison, resigned." Harrison's resignation was the result of disputes with the secretary of war. Gen. Duncan McArthur was made commander-in-chief of Military Division No. 8, which included the territory over which the Northwestern Army had operated under Harrison.

There was much in the newspapers from time to time about the court-martial of General Hull for his shameful surrender of Detroit in 1812. The proceedings dragged along, often postponed and resumed, in the court room of the New York State House at Albany. The charges preferred against him were treason, cowardice, neglect of duty and un-officer-like conduct. Finally, on March 26, 1814, he was sentenced to be shot to death, but this was added: "The court, in consideration of Brigadier General Hull's revolutionary services and his advanced age, earnestly recommend him to the mercy of the President of the United States."

When the report of the court was given out for publication some weeks later, it was endorsed, "The sentence of the court is approved, and execution of it is remitted"—signed James Madison. And the adjutant general issued: "General Orders—The roll of the army is not to be longer dishonored by having upon it the name of Brigadier General William Hull."

The Ohio papers, which had so violently assailed General Hull at the time of his surrender, were silent upon the subject of his escape from the death penalty.

The British prisoners of war who, as previously noted, had been taken to Chillicothe, provided the newspapers with a sensation of large proportions in attempting to make their escape by desperate means, according to the Supporter of February 16:

"During last week considerable alarm was manifested by the citizens of this place in consequence of a design entertained by the British prisoners of war here, but which was happily discovered in time to prevent the threatened mischief. An order having been recently sent from the War Office to Colonel Campbell, commanding officer at this post, to take charge of the British officers on parole here and send them to Frankfort, Kentucky, they were confined in the jail until preparations could be made for their removal. Early on the morning of the 11th inst. two gentlemen of respectability gave information to Colonel Campbell that the British officers were conspiring with the prisoners of the garrison a short distance above this place, for the purpose of forcibly effecting their escape. The disclosure of the plan was made by two of the British officers, in great confidence, to one of the gentlemen, who considered it his duty to make the plan known, and accordingly consulted a friend on the proper manner to proceed. In consequence of this information, Colonel Campbell, having first consulted with Governor Meigs and obtained his most decided approval and concurrence, ordered eleven of the officers to be put in irons, and took such other measures as would completely render any attempt to escape ineffectual. The Mayor also procured a party of militia to patrol the streets and suburbs of the town to make assurance doubly sure.

"It appears from developments subsequent to the first disclosure, that a part of the plan was, after the prisoners of the garrison had forced the guard, to set fire to the town and while the citizens would necessarily be engaged in extinguishing the fire, to rescue all officers from confinement and then all make their escape in the best manner possible.

"On Monday last the officers were sent from here in a boat for Frankfort, Kentucky."

An echo of the war in Ohio was heard in another serious occurrence in Chillicothe, where deserters from the Northwestern Army were tried by court-martial. The supporter of July 29 contained an account of these trials. A peculiar feature of it is the expressed regret that the whipping post had been abolished. We quote in part:

"We are informed that twenty-six soldiers of the United States Army have been tried by the general court martial now convened at this place and found guilty of desertion, five of whom are sentenced to be shot. The most of the other criminals, we are informed, are sentenced to be picketed, a mode of punishment which is inflicted by compelling the culprit to stand with his heel upon a sharp pointed stick. It is much to be regretted that corporeal punishment by whipping has been abolished in our armies, as by this means new and barbarous modes of punishment have been introduced which are disgraceful to humanity!"

The tragic sequel was told in the issue of two weeks later:

"On Friday the 8th inst, agreeably to the sentence of the court martial, five of the United States soldiers were shot at this place for the crime of desertion. And it is not a little surprising that on the same evening, after the above mentioned executions took place, another soldier named Larkin Johnston deserted from his post, notwithstanding the awful example he had just witnessed. In a day or two afterwards he was apprehended and brought back, when he was tried by a court martial and sentenced to be shot, which was executed on Wednesday last."

The capture of the City of Washington and burning of the public buildings caused consternation in Ohio, as did many rumors of arrivals of thousands of British soldiers who, after Napoleon's fall and abdication, had been released from the forces of the Duke of Wellington for service in America. Affairs with the Army of the North were bad, and there was great depression among the people of the state. Any encour-

aging news would be very welcome. And when it came in the account of the glorious victory of General Jackson at New Orleans, their cup of joy was filled to overflowing. It was, at first, only a rumor, which had gone in twenty hours from New Orleans to Natchez, and thence via Nashville to Ohio, where it arrived January 31, 1815, twenty-three days after the battle occurred. But by the following week the full official report had been received, and General Jackson's name at once became—and has continued to be—one of the most illustrious of the War of 1812.

Meanwhile, it was utterly unknown in America that the peace treaty had been signed at Ghent. Not until February 12, 1815, was it known in New York, and only on February 24th—two months after the event, and six weeks after the battle of New Orleans—did the people of Ohio learn that the conflict, with all its attendant sufferings, had come to an end.

But the year 1814 was notable by reason of other events which were recorded in the newspapers. Robert Fulton, whose genius had created the steamboat which during three years had become very familiar to dwellers along the Ohio River, laid before the United States Navy plans for, and a model of, a war vessel to be propelled by steam. It had been submitted to five of the most distinguished naval officers in the service—including Stephen Decatur and Oliver H. Perry—and they had unhesitatingly pronounced their opinion that it would be "more formidable to an enemy than any kind of engine hitherto invented." The new boat, the Fulton the First, was built, but was not ready for service until some weeks after the war ended. This was the forerunner of those "oak leviathans" that completely revolutionized naval warfare throughout the world.

In May, Southern Ohio was visited by a tornado which wrought terrible havoc over many miles. The description of it, published June 4th by the Supporter at Chillicothe, is interesting even today, aside from its place in history:

"Dreadful Tornado.—On the twentieth ult., just before sunset, a tremendous tornado, accompanied by thunder, lightning and rain, passed through the western district of this county. Its aspect on approaching was appalling and terrible in the extreme. Like the fiery curling volumes of smoke which issue from the crater of a volcano, the clouds by a rapid vertical motion mounted aloft in the atmosphere, through which they moved forward with prodigious celerity. Its course was northerly and easterly, marking its destructive progress with awful desolation: upturning the loftiest as well as the humblest trees of the forest, driving their torn branches and leaves to a league's distance, or more, throwing down fences, covering the farms with dead timber, carrying off the roofs of the houses, and even razing some of them to their foundations. The track of this hurricane, taken in its greatest latitude, and particularly where it crossed the road from Chillicothe to Lebanon, is about two miles wide; but the most remarkable part of the ruin may be estimated at a mile and a quarter wide. Scarce one tree in a thousand is seen standing. About two-thirds of the forest trees are thrown down to the earth in every direction, while the other third are broken off at the height of ten, fifteen, twenty or thirty feet, leaving their riven, shivered and denudated stumps, the awfully impressive monuments of the power which destroyed them. Through the good Providence of Him who 'rideth on the wings of the wind,' no human creature has been hurt, as far as yet known. The oldest persons living in the neighborhood say they have never before seen a storm so dreadfully alarming and ruinous."

Governor Return Jonathan Meigs, who had rendered such effective service to his state during the first two years of the war, and without whose well directed and indefatigable efforts the results in the West might have been far different, was called to a new field of service. The promotion was "covered" April 2, 1814, in just five lines of the principal newspaper at the capital: "R. J. Meigs, Esq., has resigned the office of governor in consequence of his appointment of Post Master General, and

has, accordingly taken his departure for Washington City." Such was the lack of appreciation of news values by the editor of the Supporter. Meigs' name apparently did not appear again in the weeklies of Ohio until July 6th, when it was officially signed to a full page advertisement asking for proposals for carrying the mails from January 1, 1815, to December 31, 1817. Transportation of mail was on horseback, but that stage coaches had begun to appear on the roads of Ohio is evidenced by this sentence in the advertisement: "When the proposer intends to convey the mail in the body of a stage carriage he is desired to state it in his proposal."

The details of these required mail deliveries—which appear to be the first on any extended and regular system in the history of the state—throw a flood of light on the conditions of communication between people of that day. On only one route in Ohio were there to be as many as three mails a week—from Wheeling to Chillicothe, by way of St. Clairsville, Barnesville, Cambridge, Zanesville, Springfield (afterwards named Putnam), Somerset, Lancaster and Tarlton. The distance was 145 miles and the route was to be covered between 4:00 A. M. the first day and 5:00 P. M. the next, with return over the same route. Two mails a week were to be carried from Chillicothe to Cincinnati, via Bainbridge, Willis' Cross Road, New Market, Williamsburg, New Town and Madison—ninety-five miles; time from 5:00 A. M. one day to 10:00 A. M. the next. Every Tuesday at noon a mail was to start from Lebanon and reach Urbana by 6:00 P. M. Wednesday, going via Waynesville, Xenia, Ludlow and Springfield. A long route through the heart of the state was from Chillicothe to Mansfield, via Circleville, Columbus, Franklinton, Delaware, Mt. Vernon and Fredericktown—125 miles—leaving Friday at 6:00 A. M., arriving at Columbus at 7:00 P. M., and reaching Mansfield at 10:00 A. M. the following Monday; one mail a week. Some towns were served every two weeks only. The whole central, western, southern, eastern and northeastern parts of the state were reached by these mails, and it was a great improvement over any service theretofore provided.

The rates of postage were also advertised by Postmaster General Meigs, as follows:

"Single Letters—

"For any distance not exceeding forty miles, 12 cents.

"Over forty miles and not exceeding ninety, 15 cents.

"Over ninety miles and not exceeding one hundred and fifty, 18¾ cents.

"Over one hundred and fifty miles and not exceeding three hundred, 25¼ cents.

"Over three hundred miles and not exceeding five hundred, 30 cents.

"Over five hundred miles, 37½ cents.

"Double letters, or those composed of two pieces of paper, double these rates.

"Triple letters, or those composed of three pieces of paper, triple these rates."

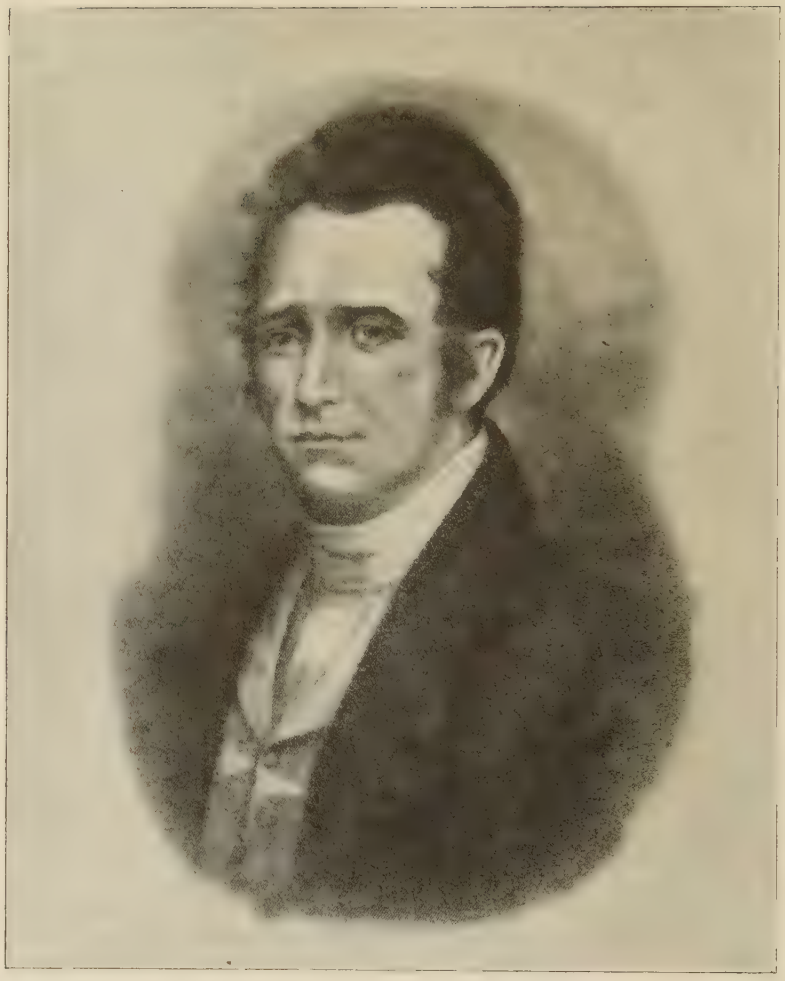
The political campaign in August and September was very mild, so far as the newspapers disclosed. Notwithstanding that Thomas Worthington, while in the United States Senate, had worked and voted against the declaration of war, and had been warmly criticised for his stand on the issue, he had no opposition worth considering in his desire to be governor, and he easily won by a large majority at the polls.

ADMINISTRATION OF OTHNIEL LOOKER

Acting Governor

March 25, 1814, to December 8, 1814

Othniel Looker, acting governor of Ohio, who succeeded Return Jonathan Meigs, had the honor of occupying that responsible position



Othniel Looker

Acting Governor March 24, 1814—December 8, 1814. Born October 4, 1757; died July 23, 1845. Member Ohio House of Representatives and Senate; associate judge Court of Common Pleas.

for a short time while the War of 1812 was in progress. That he performed his duties faithfully and well without special opportunity for spectacular action to attract public attention to him personally, is attested by the official record of his brief services as acting governor.

Othniel Looker was born in Hanover, Morris County, New Jersey, October 4, 1757. He died at Palestine, Illinois, July 23, 1845.

In 1777, at the age of twenty years, he volunteered in the New Jersey militia and served through the Revolutionary war.

After the close of the war, in 1782, he moved to New York. He became a member of the Assembly of that state in 1802 and served in the Twenty-sixth and Twenty-seventh Sessions of that body as representative from Saratoga County.

In 1804 he moved to Hamilton County, Ohio, which he served in the House of Representatives from 1807 to 1809. He was a member of the State Senate from 1810 to 1811 and again from 1813 to 1816. It was in this later service that he became acting governor. He was speaker of the Senate when Governor Meigs resigned, and became acting governor from March 24, 1814, to December 8th of that year. At the conclusion of his service in the Senate he returned to his farm in Harrison Township, Hamilton County. He was afterward associate judge for seven years.

In 1844 he moved to Palestine, Illinois, to spend his remaining days with his daughter, Mrs. Rachel L. Kitchel. On July 4, 1845, he delivered his last public address. "Appearing in his continental uniform, bowed with the infirmities of age, his emotions almost overcame him as he contrasted the feeble beginnings of the Republic with the splendid destinies assured in the future."

Governor Looker married Pamela Clark. They had four children, two sons and two daughters. He had a large number of grandchildren, and many of his descendants are still living.

This somewhat extended sketch is given here because it is only in recent years that reliable information has been available for a trustworthy account of his life. Most writers have stated that he was born in New York, that he died at an unknown date on his farm located somewhat in Ohio, and that he never married.

ADMINISTRATION OF THOMAS WORTHINGTON

Thirteenth Legislative Session

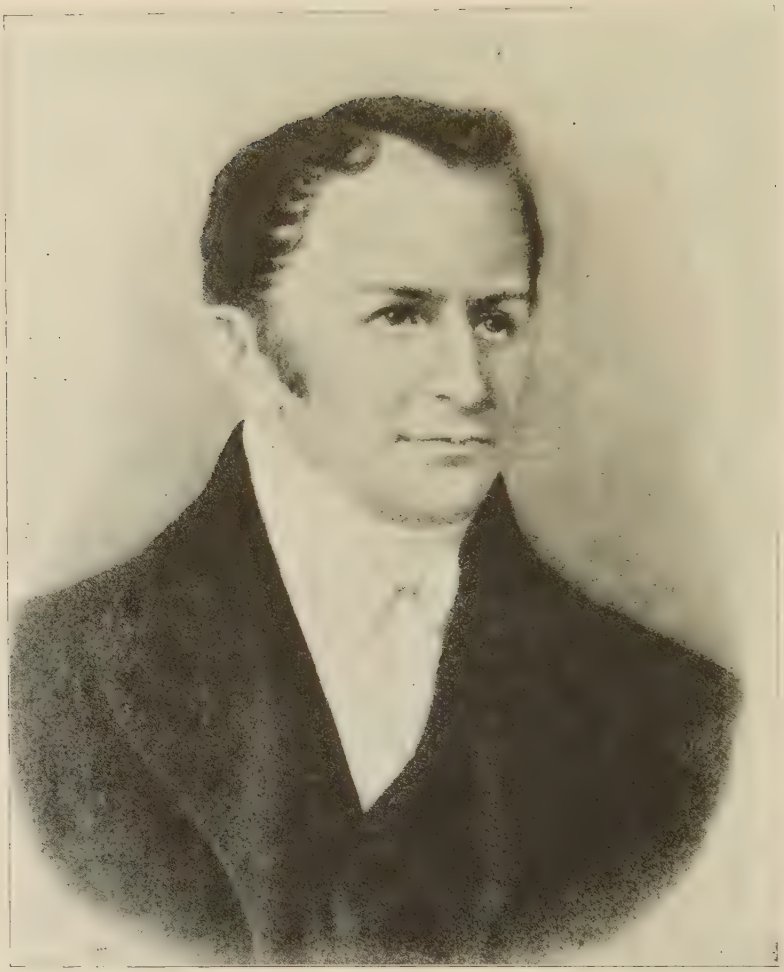
December 5, 1814, to February 16, 1815

Governor Return Jonathan Meigs, Jr., who had so often been changed from one high office to another, was now, as before stated, postmaster general of the United States—since March 25, 1814. His resignation as governor had left Othniel Looker, speaker of the Senate, as acting governor ex-officio. Thomas Kirker was again elected speaker, and John Pollock was reelected speaker of the House of Representatives.

When the vote at the late election was canvassed by the General Assembly, Thomas Worthington was declared elected over Looker, his only opponent, by a vote of 15,879 to 6,171. Worthington resigned as United States Senator and was inaugurated governor on December 8th. His inaugural address was largely devoted to the subject of the war just closing.

Benjamin Ruggles was elected to fill the unexpired term in the United States Senate. He had been a judge of the Common Pleas Court at St. Clairsville. He remained in the National Senate until 1833.

Ethan Allen Brown, of Cincinnati, was now appointed by the Legislature as a judge of the Supreme Court, and then, at the age of thirty-nine years, entered upon a brilliant official career. He had been a student of law in the office of Alexander Hamilton in New York, and removed



THOMAS WORTHINGTON

Governor December 8, 1814—December 14, 1818. Born July 16, 1773; died June 20, 1827. Member Territorial Legislature and Constitutional Convention of 1802; member General Assembly; founder Ohio State Library; canal commissioner.

to Cincinnati in 1804. His occupancy of the Supreme Bench continued until 1818, when he was elected governor and served two terms. He was then sent to the United States Senate, and was afterwards minister to Brazil.

There was now another direct levy of taxes on the state by the National Government, and this necessitated a loan, negotiated by the governor under authority of the Legislature, of $177,055.21. The money was secured from various state banks, for one year at 6 per cent interest.

Official figures submitted disclosed that Ohio had furnished 23,951 soldiers for the war. This was one-third of the entire white male population of the state above the age of twenty-one, and more than one-half of those of military age. It was almost 15 per cent of all the soldiers contributed by the entire nation.

A question of much moment had been occupying the attention of the members of the Legislature—what to do with the insane? Not up to this time had there been any legislation whatever concerning them, and the unfortunates had entirely lacked the care which an enlightened commonwealth owed them. Consideration of this question now bore fruit in an act, passed February 13, 1815. It required that when notice was brought to a justice of the peace of a township that any person residing therein was "idiotic, non compos, lunatic or insane" he should be brought by the constable before the justice for examination. Seven discreet, disinterested householders were appointed to inquire into the case and make written report to the justice. If the "accused" person was declared by them to be sane he was discharged and the inquiry ended. If reported insane and dangerous he was confined in the county jail unless his friends and relatives executed bond for his safe-keeping elsewhere. The county provided him the services of a physician in the jail, and the Court of Common Pleas appointed a guardian over his person and property. The county commissioners were authorized to discharge him from confinement if a physician certified that it was safe to do so.

There was apparently no thought of trying to effect a cure, nor to do anything whatever except to confine and keep him safe, as a prisoner, from doing harm. He was not in any sense considered as a patient to be ministered to or assisted in his affliction.

At this session of the Legislature three more counties were organized —Pike, Huron and Monroe.

The penitentiary at Columbus was now nearing completion, and it was known that it would be available for use before the seat of the state government could be transferred to the new capital. This fact made possible immediately a complete change in the system of punishment for crime. An entirely new criminal code was accordingly enacted by the General Assembly at this session. Long terms at hard labor in the penitentiary were substituted for stripes on the bare back at the whipping post. The death penalty was retained for the crimes of treason and murder in the first degree; for murder in the second degree the new sentence was a maximum of twenty-one years at hard labor; for manslaughter, seven years; for counterfeiting, twenty years; for challenging to a duel, nine years, etc. The law contained forty-five sections and repealed acts previously in force prescribing punishments for crimes included in the new act.

Another new law established the system of discipline in the state prison. Males were to have the right side of their heads shaved close at least once a month; they were to wear garments of coarse material, and fed coarse but wholesome food; their health was to be cared for by a physician, and a hospital was to be maintained. An elaborate scheme of government of the prison was to be administered by inspectors to be appointed by the Legislature, by a keeper, by deputies and assistants. One provision, intended to make the keeper very alert, required the keeper to forfeit $50 for every escape. But this was found to be unfair to the keeper and was later changed. A reward of $50 for the return of an

escaped convict was substituted—and it has been the rule for more than a century.

It was at this session of the General Assembly that a banking law was enacted that brought about a celebrated controversy between the state and the general government. This extended through several years and was accompanied by some remarkable events. The act required that all banks, chartered or unchartered by the state, doing business anywhere in Ohio, should pay a tax of 4 per cent of all dividends declared by them. If any of them refused to comply with this requirement the auditor of state should levy a tax of 1 per cent upon the nominal amount of their capital stock, and place execution for its collection in the hands of the sheriffs of the counties in which the banks were located. The sheriffs were to make demand for the money, and, failing to receive it, make levies upon the specie or bank notes, and any other property found in the banks by him. The act prohibited any person or company from issuing or circulating bank bills or notes unless specially authorized by state laws to do so. The penalty for a violation of this provision was a fine of $5,000 and imprisonment for one year.

This law was enacted with the deliberate intent of preventing United States banks from doing business in Ohio. As will be seen, it was followed by tumultuous events, and not until the Federal Supreme Court rendered a decision against the State of Ohio did the conflict which this law precipitated come to an end.

The war over, the newspapers of Ohio resumed features of humor, poetry and miscellaneous matters, became very vigorous in their discussions of politics, and found room in their columns for communications from prolific correspondents. During the time of intense anxiety incident to the dangers of the Republic the editors had ceased their violent abuse of one another, but they now indulged in personal allusions which proved entertaining not only to those who read them when the sheets came fresh from the presses, but also to any one who, more than a century later, peruses their yellow and somewhat faded pages. Charles Dickens, when he took Mr. Pickwick to Eatanswill, in the heat of a political campaign, found that:

"Of course it was essentially and indespensably necessary that each of the powerful parties should have its chosen organ and representative; and accordingly there were two newspapers in the town—the Eatanswill Gazette and the Eatanswill Independent. Fine newspapers they were! Such leading articles and such spirited attacks! 'Our worthless contemporary the Gazette'—'That disgraceful and dastardly journal, the Independent'—'That false and scurrilous print, The Independent,'—'That vile and slanderous calumniator, the Gazette'—these and other spirit-stirring denunciations were strewn plentifully over the columns of each, in every number, and excited feelings of the most intense delight and indignation in the bosoms of the town people."

Mr. Dickens no doubt drew upon his imagination in painting this picture. But how much more vividly colored it would have been if he could have made literal quotations from the papers of Ohio! For example:

" 'The editor of the Scioto Gazette, the Rev. Joseph S. Collins, that malignant Jacobin and quibbling, time serving, whining reptile.'—The Fredonian.

" 'The miserable and pitiful wretch who conducts the Messenger (Zanesville) is scarcely deserving notice, but as it is our object to 'whip the rascals naked through the world' he shall be gratified with some remarks of ours at a time when we have more leisure to attend to him.—The Independent Republican.

" 'The article in the Messenger is a pitiful, puerile production, as destitute of reason as it is wanting in truth.'—The Zanesville Express.

" 'The public will pardon us for condescending to notice this miserable

wretch—we know as well as they do that he is individually too contemptible to deserve print and paper.'—The Fredonian.

" 'The matchless genius of the sapient editors of the Messenger must have been nearly or quite exhausted by the production of the very laborious and filthy articles inserted in their last.'—The Independent Republican."

Large space was given during some months after the peace to articles describing the horrors of the treatment accorded American prisoners of war by the British, to reports of American successes at sea which could not be made by ship commanders until they returned to port, and to many other war incidents of interest to Ohio readers. But gradually almost all subjects pertaining to the conflict, as well as bitterness of expressions against the British, were dropped. On March 10, 1815, Governor Worthington issued a Thanksgiving proclamation, which was reproduced in all the journals of the state. "After the severest afflictions and trials," it began, "resulting from a state of war with one of the most powerful nations on earth, it has pleased the Almighty to restore peace to our beloved country. In the bloody conflict entered into for the defense of our invaluable rights and liberties, He has verified the assurance of His word, that 'the race is not to the swift, nor the battle to the strong.' " Friday, March 31, was set apart by the governor as a day of thanksgiving and prayer.

A month prior to this time the General Assembly had passed a series of resolutions in praise of Andrew Jackson, and had publicly given thanks in a church at Chillicothe for his victory at New Orleans. The Zanesville Express of February 16 contained a serious editorial upon this incident, during the course of which it no doubt reflected the opinion of many sober minded citizens, who did not know at that time that peace had been declared. "This conduct of our rulers," observes the editor, "wears a pleasant aspect, and must be highly gratifying to the friends of Zion. How much more rational and sublime do gratitude and thankfulness, expressed in this way, appear, than that which is evidenced by bonfires, meaningless huzzas, firing of guns, beating of drums, etc."

At Hamilton, then a town of less than 500 inhabitants, the Miami Intelligencer was started at the beginning of the year 1815, and immediately established itself as one of the best papers of the state. Within two weeks after its birth it made a vigorous complaint against the bad mail service from Cincinnati, and charged that the editor of Liberty Hall, the chief paper of that town, who was also the mail contractor, was responsible for the delinquencies by holding the mail back, sometimes for a full day, until his paper should be printed and ready to send out, regardless of the mail time schedule. "These evils must be remedied," thundered the Intelligencer. "The Postmaster General must attend to it!"—which he presumably did, as the first broadside was the last.

Probably the largest and most imposing advertisement which had yet been published in any Ohio paper appeared in the Intelligencer January 26th of this year. It was also notable as announcing the first amusement enterprise of any kind traveling through Ohio, so far as the papers disclose. "The National Panorama and American Museum of Wax Figures" was exhibiting at the dwelling of David Latham. Figures were shown of the Immortal Washington; the Goddess of Liberty Supporting the American Standard; the Undaunted American, Hero Commodore Stephen Decatur; Napoleon Bonaparte, Late Emperor of the French; Maria Louise, Late Empress Queen of France; Thomas Par, Who Lived to the Age of 152 Years; and other notables. Also, an Interesting Scene Representing Othello Murdering Desdemona, His Wife, and a Sleeping Beauty with an Infant By Her Side. There were a number of "elegant and interesting paintings, never before exhibited," including the "Burning of the Richmond Theater. Open 9 a. m. to 9 p. m." "The company will be entertained by music on an elegant organ during the exhibition. Smoking prohibited. Admittance, twenty-five cents; children, half price."

One can imagine the excitement this created among the people of Hamilton in 1815!

During the war there had been a cessation of press notices descriptive of the coming of new settlers in the state. But soon after peace was declared normal conditions had been resumed and the influx became greater than ever. "Emigration to this state is immense," said the Zanesville Express. "The road leading through this town seems to be covered with waggons and carriages of all descriptions. We have counted eleven waggons crossing the river at one time. In all probability by the next census we shall be equal to most of the states in point of population."

A large proportion of the emigrants entered Ohio by ferrying over the river at Wheeling, and it was felt that the facilities for crossing were not adequate. There was agitation of the question of providing better means of reaching the west side of the river, and the news was given out, in one form or another, and in several papers, that a bridge was to be erected there. The difficulties of the situation were emphasized in the Zanesville Express as follows:

"An association has been formed for the purpose of erecting a bridge across the Ohio river near the mouth of Short Creek a few miles above Wheeling. This is an undertaking worthy of the exertion and enterprise of the citizens of this western country. It will be highly advantageous to the public, and profitable to its proprietors. The Ohio river is often of dangerous passage on account of floating ice. The public mail and travelers are not infrequently detained on this account for several days, and greatly retarded in their progress. To obviate these and many other difficulties is an object of the greatest importance."

Traffic on the river had enormously increased, thousands of United States soldiers from the East had floated down from Pittsburg during the war, and immense supplies of munitions of war had been transported in the same manner. The number of steamboats had not grown large enough to take a very important part in this, and the old keel boats and barges had been extensively used. But the steam craft had nevertheless been growing in both size and numbers, as well as in speed, and much attention was given to them in the newspapers. An account from Cincinnati in July described the "amazing speed" of the steamboat Enterprise, which had sailed past that town to Louisville, and just returned on her way up the river. "She sailed again for Pittsburg on Thursday evening. We were pleased to see her deck crowded with passengers, ladies and gentlemen. This is the proper mode of rewarding enterprise and industry."

Ohio people were also reading a great deal about the Fulton the First, the war steamboat which had been ordered the previous year for the United States Navy, and had been put in commission in New York early in the summer. She had met every expectation, and the whole project of steam navigation took on a new and powerful impetus. On December 7, 1815, the important news was printed in the Zanesville Express that "it is contemplated that most of the business on the Ohio river will shortly be accomplished by means of steamboats. It is said that Mr. Croninshield, (brother of the secretary of the navy) is about to embark his extensive capital in that kind of navigation on the western waters."

The sudden return of Napoleon Bonaparte from the Island of Elba, his resumption of the throne of France, and the apparently permanent overthrow of the new regime of the Bourbons, excited great interest in Ohio. The papers devoted columns and pages to publishing the particulars as they became known. A curious and interesting controversy broke out among the papers of the country—in which those of Ohio took a vigorous part—caused by the sympathy which many editors and people held with Napoleon, and their evident desire that his revolution should

succeed. An example of the opposition to this feeling favorable to Napoleon, was printed in the Chillicothe Supporter of June 20th:

"The partiality felt by many Americans for Bonaparte cannot be accounted for on any rational grounds. We are a king-hating people—despisers of all crowned heads, with the single exception of one who for fifteen years has been fighting for universal rule—who has been foremost in duplicity, tyranny, ambition and all the vices of monarchs—whose iniquitous measures and artful intrigues forced us into a ruinous war with his strongest enemy—and who to this moment has contemptuously refused any satisfaction for an immense number of vessels stolen from our merchants on the high seas and even in his ports."

Although the Indians were still troublesome, in the territory west of Ohio, especially along the Mississippi River, there were no accounts of hostilities on their part within the state itself. On the contrary, they were themselves the victims of some barbarities by whites, and this was the occasion of uneasiness to Governor Worthington, as was shown in a proclamation which he issued under date of April 11th of this year:

"Whereas, It has been represented to me that three Indians belonging to tribes at peace with the United States have lately been murdered by citizens of this state, within the jurisdiction of the same; and whereas, such acts of hostility and barbarity, whilst they are gross outrages on humanity and civilization, as well as an open violation of the pledged faith and friendship of the United States, tend to excite retaliatory measures on the part of the savages, by which innocent and unoffending citizens may fall a sacrifice to the tomahawk and scalping knife, and harmless women and children be inhumanly butchered,—therefore, I, Thomas Worthington, governor of the state of Ohio, do by this my proclamation, call upon and require all the good people of this state, and more especially upon the various officers, civil and military, within the same, to be active and dilligent in the detection of such heinous offenders—to protect the various Indians at peace with and friendly toward the United States, from the outrage and injury of all evil-disposed men; and to use all necessary and energetic measures possible to bring such base offenders and gross violators of all law, human and divine, to their merited punishment."

The subject which at this time was perhaps of more importance than any other to Ohio as a state was the clearing up of difficulties with reference to that great unsettled section in its northwestern section. It was a complicated situation because of the animosity of the Indian tribes which occupied it as a reservation, but who had in 1807 entered into a treaty to concede part of those lands to settlement by the whites. Congress had promised lands to certain classes of soldiers who had served during the war. Ex-Governor Edward Tiffin, who was now surveyor general of the United States, located at Chillicothe, was supervisor of the territory in which the disputed lands lay, and in the early summer he sent a party of surveyors to locate them. But they were unsuccessful, and the people were apprised of the situation in the following article, which appeared in the Supporter of June 13th:

"The surveyors lately sent to survey the military boundary lines in the Michigan territory have returned without executing any part of the work for which they were sent out. The cause of their premature return was occasioned by the Indians forbidding the surveying of any lands in that territory, inasmuch as they in effect deny the treaty or sale of any lands therein. The Indians who have been arrayed against us during the late war with Great Britain consider themselves as much at war now as they have during any part of the contest. * * * It appears from the Indian agents or interpreters and others who were at the treaty, that the principal chiefs interested in that country never did sign the treaty; and the more inferior chiefs who did sign it dare not acknowledge it at this day."

Within a few weeks—on July 4th—the public was informed that "an

Indian treaty will shortly be held with the Northwestern Indians at Fort Wayne, under the direction of General Harrison, General McArthur and John Graham, Esq., commissioners appointed for that purpose." And on September 19th this paragraph imparted the news of the success of the conference:

"We are informed from indubitable authority that on the 8th inst. a treaty was signed by the commissioners of the United States and a full representation of the Wyandot, Delaware, Shawnee, Seneca, Ottawa, Chippewa, Pottawotomie and Miami tribes, giving peace to those who had taken part against us in the late war, and renewing all the treaties which had been made with them from that of Greenville in 1795, inclusive."

Meanwhile, Surveyor General Tiffin had a few days before been informed of the improved situation, and his surveyors had been returned to the territory. "We understand," said the Supporter, "that the surveyor general has also made arrangements to have the geographic position of the southerly extreme of Lake Michigan ascertained this fall, and the northern line of the state of Ohio run, which, when done, but little doubt is entertained, agreeable to the cession made by the Indians at the treaty of Detroit, on the 17th of November, 1807, a million acres of excellent land will fall within the state of Ohio. Should congress have a correct view of this subject at their next session, and direct by law that these lands should be surveyed and erected into a land district, they will immediately sell, and an incalculable benefit would accrue to the weak territory of Michigan and the prosperous state of Ohio, as well as to the United States in general."

But prior to this happy solution of the difficulty there had been great dissatisfaction because the soldiers had not been given their bounty lands. Some of the papers had fanned the flame of this discontent, and Tiffin had issued a public official communication upon the subject, addressed to "those patriotic citizens who composed the late United States army." In this document he defended the Government with some spirit:

"Observing that attempts are making in some of the public papers to lessen your confidence in the honor and assurances of the government, which pledged itself to give those who enlisted for the war donations of public land, because those lands are not miraculously prepared at the moment of the termination of the war for location; I have therefore thought it might be proper and satisfactory to you to submit the facts to your consideration, in order that you may know that the government, which has already expressed its sense of your meritorious services, is anxious to comply with this engagement.

The facts set forth by Tiffin were, in brief, that he had been instructed by the general land office of the Government to set apart the best bodies of land belonging to the Government for the soldiers—2,000,000 acres in each of the Territories of Michigan, Illinois and Missouri, but the objections of the Indians had made the surveys impossible and the distribution could not be made until that obstacle had been removed.

This was the beginning of those operations which finally made possible the settlement of the northwestern part of Ohio. They also brought on a boundary line dispute with Michigan which twenty years later led to hostility between the two states that for a time threatened resort to arms on both sides.

Fourteenth Legislative Session

December 4, 1815, to February 27, 1816

This was the last session of the general essembly held in Chillicothe. Peter Hitchcock, of Geauga County, was elected speaker of the Senate, and Matthias Corwin was again made speaker of the House of Representatives. Hitchcock was another of the long line of men from New England who attained prominence in Ohio after migrating to the

Western Reserve. He was at this time thirty-four years old, a graduate of Yale in 1801, and had been a lawyer at his home town of Cheshire, Connecticut, prior to his removal to Ohio in 1806. He had divided his time in Geauga County between helping to clear the wilderness as a farmer, practicing law, and teaching. He had been a member of the House of Representatives in 1810-11, and had served one term in the Senate before his election as speaker of that body. Immediately following this year he was sent to Congress by his district. Before his term there was finished he was made a judge of the Ohio Supreme Court, which office he held continuously for twenty-eight years. He was noted in the state's history as a generous supporter of benevolent enterprises.

The Supreme Court judges appointed by the assembly of 1815-16 were John McLean, Calvin Pease, and Jessup N. Couch. The last named was a new man on the bench of the highest court; he remained there until his death in 1821. Judge Ethan Allen Brown was still a member of the Supreme Court, which thus numbered four judges instead of three, as theretofore.

There had been another enumeration of men qualified to vote in the state, and report was made to the general assembly that they numbered 64,814. The substantial growth of the state was further indicated by the treasurer's report that there were now 11,090,214 acres of taxed land, from which the total annual tax income to the state would have been $259,486.19 if it could all have been collected.

Two new counties organized—Lawrence and Jackson. The name of the town of Washington was changed to Piqua by the Legislature, and that of Staunton to Ripley.

Traffic by water on Lake Erie had been increasing greatly, and it was now necessary to make provision for caring for it in the port of Cleveland, which was still a very small place—referred to as a "village" in the law of December 28 (1815) incorporating the "Cleveland Pier Company." This was the first company incorporated for a business of this kind in Ohio. It was authorized to "construct a pier or harbour, wharves and warehouses, on the south border of Lake Erie, at the village of Cleveland, for the security and accommodation of ships and vessels, and for the encouragement of commerce." A schedule of charges the company might make for wharfage and pierage was designated, and it was particularly provided that no charge might be made for the accommodation of vessels of the United States conveying troops, arms, ammunition, provisions or baggage.

The need of many more notaries public than the four already commissioned in the state made necessary a new provision in that regard. The new law now passed took the appointment of notaries out of the hands of the general assembly and placed it in those of the governor, where it has since remained. Each notary was commissioned for three years, "if so long he behave well."

It was at this session that county infirmaries—then known as "poor houses"—were established. Prior to that time, as previously described, there had been no provision for caring for the destitutes except such local relief as township overseers could afford. They did the best they could with the small means at their command, but the law of February 26, 1816, required that the counties themselves, by their commissioners, should provide and maintain proper places for the care of those who could not support themselves.

"Wild-cat" banks were a growing menace in 1815, and their operations required legislative attention and control, which was provided by the passage at this session of "an act to prohibit the issuing and circulating of unauthorized bank paper;" the principal features of which were:

"If any person shall, within this state, act as an officer, servant, agent or trustee of any bank or monied association, except a bank incor-

porated by law in this state, he shall for every such offense forfeit and pay the sum of one thousand dollars. * * * If any person shall receive an offer, in payment of bond, bill, note or contract of any such bank, knowing the same to be unincorporated, payable to bearer or to order, and endorsed in blank, he shall for such offense forfeit three times the amount of such bond, bill, note or contract."

This law did not correct all the evils at which it was aimed, but it was the beginning of legislation upon a vexed subject of great importance in those early days. The evils did not terminate until money was issued exclusively under conditions imposed by the United States Government.

The federal constitution, notwithstanding the series of necessary amendments which had been made during the first few years of the government which it established, was still regarded by some of the states as far from perfect, and the Ohio assembly was rather frequently called upon to approve or reject proposals for amendment made by the other legislatures. But it uniformly regarded them with disfavor. At this session of 1815-16 it refused approval of no less than ten. It is interesting to note the kind of "tinkering" with the "Supreme Law of the Land" that was suggested with great seriousness and in high places. Massachusetts had adopted seven of the proposals which were laid before the assembly by Governor Worthington at the request of the governor of that state. Most of them were evolved either from her hatred of the slave-holding states of the South, from her jealousy of Virginia, or from her own unhappy experiences in the War of 1812. They were as follows:

"1. That no part of the slave population of a state shall be counted in determining the number of representatives of that state in the house of representatives of congress.

"2. That no new state shall be admitted to the Union without the concurrence of two-thirds of both houses of congress.

"3. That congress shall not have the power of laying any embargo on American ships for more than sixty days.

"4. That Congress shall not have the power, without concurrence of two-thirds of both houses, to interdict the commercial intercourse between the United States and any foreign nation or the dependencies thereof.

"5. That congress shall not declare or make war or engage in hostilities against any foreign nation without the concurrence of two-thirds of both houses, except in defence of territories of the United States when actually invaded.

"6. That no person who shall hereafter be naturalized shall be eligible as a member of the senate or house of representatives of the United States, nor capable of holding any civil office under the authority of the United States.

"7. That the same person shall not be elected president of the United States a second time, nor shall the president be elected from the same state two terms in succession."

The Legislature of North Carolina sent a proposition for an amendment providing that electors of president and vice president should not be chosen at large by the states, but that each state should be divided into districts, one elector to be chosen in each.

Georgia's assembly submitted an amendment reducing the term of office of United States senators from six years to four.

The Ohio general assembly, in its unanimously adopted resolutions disapproving all these proposed amendments, addressed very polite language to the states proposing, but they were unequivocal and definite. Various reasons were given, but the one paramount reason was that it deemed it unwise to alter the constitution except for great and urgent necessity.

On February 10 (1816) the final act necessary to make the new seat of government of the state a legal entity was taken in "an act

incorporating the borough of Columbus." It prescribed in great detail the necessary processes of organizing the town, of elections, duties and obligations of the mayor and common council, and the other officers. It seemed to the law makers important to require that "no law shall ever be made by this corporation subjecting cattle, sheep or hogs not belonging to the residents of said borough to be abused or taken up and sold for coming within the bounds thereof." It also made sure that no law should ever be made preventing the council from levying a tax on dogs. Notwithstanding the great advance which had been made in the progress of the commonwealth, the pioneer view-point seemed to be just what it had been in 1802-3.

A law of February 26 (1816), entitled "an act pointing out the mode of trying criminals," the first enacted in the state upon that subject, contained some features now curious and interesting. Upon request of a prisoner the sheriff was required to call an examining court, consisting of the associate judges, the clerk and the prosecuting attorney of the county, who, after hearing witnesses, were to determine whether the prisoner ought to be discharged, admitted to bail, or remanded to jail if the offense was not bailable. A prisoner indicted for a capital crime might elect to be tried by the common pleas court instead of by the supreme court. If by the latter the prisoner must be tried at the first term after his arrest unless the court found good reasons for postponing the trial to the second; but if the trial was not held during the second term the prisoner was to be discharged unless attendance of witnesses against him had been prevented by himself. If a prisoner called to trial "stood mute," a jury should be impanelled to determine whether he stood mute "obstinately and on purpose, or by the providence and act of God." If by such providence and act of God he should be remanded to prison and not tried until he should have recovered therefrom. But if the jury found that he stood mute obstinately and on purpose, then he was to be tried the same as if he had spoken and pleaded not guilty.

This authorized a complete system of impanelling juries, provided for peremptory challenges on behalf of prisoners, and prescribed all the necessary rules for his protection, most of which are identical with the procedure followed in the twentieth century. Grand jurors received seventy-five cents a day for their services, and petit jurors fifty cents.

One of the most important laws enacted at this session had to do with a direct financial interest of the state in the banks. Early in the session Governor Worthington had sent the assembly a special message accompanied by a plan proposed to him by State Auditor Osborn, under which the state would subscribe one-fifth of the capital stock of all incorporated banks. He estimated that the dividends to be received on this stock would, after ten years, amount to at least $120,000—a sum which would enable the state greatly to reduce the tax rate, and thus still further increase Ohio's population by making it a more desirable state in which to live and own property. Governor Worthington did not commit himself upon the wisdom of adopting this scheme, but he submitted it to the good judgment of the general assembly. It is evident from references made to it by the newspapers of the time that it was popular with the people. The general assembly gave the subject a great deal of time and thought, and finally, four days before adjournment of the session, passed the act entitled "an act to incorporate certain banks therein named, and to extend the charters of existing incorporated banks."

This law, as passed, was a great modification of Osborn's plan as originally submitted, but it established a system which was so unique as to merit some examination. It retained the main idea of making the state a direct stock holder in the banks, but in effect it compelled the banks, as a condition of their being permitted to exist at all, to issue stock to the state without receiving any money for it. Instead of the

state investing in the banks, they were required to invest in the state. It established and incorporated banks in Columbus, Lancaster, Cleveland, St. Clairsville, Mt. Pleasant and West Union, and extended until 1843 the charters of banks already existing at Lebanon, Cincinnati, Urbana, New Lisbon, Chillicothe and Wooster. It required each of them to invest in the state one twenty-fifth of all its shares of capital stock. These shares so invested in the state were to participate in all dividends declared, and were "to be the property of the state as fully and absolutely as if purchased and paid for by the state." It further required that the dividends declared on the state's stock should be reinvested in other shares of the bank's stock until the total number of shares so held by the state should equal one-sixth of the total capital stock of the banks, after which the dividends on that stock should be paid into the treasury.

All banks which accepted this arrangement were to have the advantages of the state's favor and were to be "exempted from the payment of any tax to be imposed and collected by any other law of the state." But those banks which did not accept the conditions were not to be so exempted from tax (including, of course, the four per cent tax on dividends imposed in the banking law of the previous year) and they were to be excluded from enjoying the advantages that would inure from the state's direct financial interest in them.

Perhaps the most widely discussed subject in Ohio and throughout the whole western country in 1816 was the status of the steamboats. Robert Fulton, inventor and first builder of steam water craft, had died in 1814, but the Ohio Steam Navigating Company, which he and Chancellor Robert R. Livingston had incorporated in New York, still owned the patents which had been granted to him. Meanwhile, other inventors and engineers had made improvements and had likewise received patent papers on them. This created a condition in which any person who wanted to build and operate steamboats was compelled to secure rights from Livingston and either satisfy other patentees or be subjected to litigation brought by them. A great difficulty also arose from the fact that the Legislature of Louisiana had granted to Livingston the exclusive right to navigate the rivers of that state with steamboats, and this excluded all steamboat traffic to New Orleans except by arrangement made with him—which meant, of course, paying well for the privilege. The whole situation was an intolerable handicap upon the business of operating steam-propelled craft on the western rivers, and the general assembly of Ohio took cognizance of it. In the preamble to the resolutions it adopted it recited all of these facts and instructed and requested Ohio's representatives in Congress to exert their influence to obtain "a legal or judicial exposition of the conflicting claims to exclusive use of steam in navigation." Also, the Ohio congressmen were instructed to "institute an inquiry whether the Legislature of Louisiana had not exceeded their constitutional powers by enacting the law referred to in the preamble to these resolutions."

This action of the general assembly evoked in the press widespread expression of approval. "Virginia is deeply interested in the free navigation of the Ohio and Mississippi," editorialized the Liberty Hall and Cincinnati Gazette, "and equally so is every citizen in the Union to see Concluded the conflicting claims and prosecutions by every quack who can procure a 'legitimate' authority, under the name of a patent right, to swindle, intermeddle and vex his fellow citizens—thereby retarding public improvements."

The first increase in salaries of officers of the state was made by this assembly of 1815-16. The governor, Supreme Court judges and state auditor were thereafter to receive $1,200 each per annum; the secretary of state $800, the treasurer of state $700, members of the general assembly $3 per day, the clerk of each house $6 per day, and the two door keepers $3 per day each.

The state treasurer reported that during the year 1815 he had received from taxes $99,518.24, that the balance on hand was $4,954.22, that the aggregate receipts for the three per cent fund for road building had been $54,835.53, and the balance in this fund at the end of the year was $38,816.98. It was known that there would be another direct tax against the state by the general government, and the assembly authorized the governor to borrow not to exceed $200,000 to meet it.

Early in this year of 1816 there broke out, not only in Ohio but in other parts of the country as well, an epidemic of swindling by the circulation of spurious bank notes and counterfeits. The losses totaled many hundreds of thousands of dollars in Ohio alone. The first public mention of the subject appeared on May 17 in a letter addressed to the public by a firm of engravers in Philadelphia. "We were applied to in the course of last November," they wrote, "by a letter dated October 20, 1815, from Cincinnati, in the State of Ohio, to engrave various plates of bank notes for a banking company with the following title: 'The Ohio Exporting and Importing Company.' It now appears from very respectable information that no company of merchants or other persons bearing the above title, now, or ever were, publicly known to have existed in or near the town of Cincinnati and that no such company do or ever did exist." The letter warned the people to be cautious in the receipt of bills struck off from these plates. Immediately—within a week—there followed a long statement, also published in all the newspapers, by an investigating committee representing the banks of Cincinnati, containing the statement that the plates engraved by the Philadelphia company had been used to produce bogus notes amounting to $670,000. Also, that "the villains engaged in making and circulating the above described notes are nearly the same gang who composed 'The Indiana Manufacturing Company of New Lexington' by which the public have been swindled of a very large amount." The committee named ten of the swindlers, four of whom were in the jail at Harrisburg, Pennsylvania, and two at Lewisburg, Virginia. Information was asked from the public concerning them, as the committee hoped "to put a stop to the further depredations of as desperate a gang of villains as ever infested society."

Shortly thereafter the public was warned as follows by the Western Spy against receiving a ten dollar note of the Mechanics' Bank of Cincinnati: "Counterfeits are in circulation of this denomination, so well executed that good judges have been imposed upon by them." On May 22 the cashier of another Cincinnati bank made a public statement that "it has been recently discovered that some person or persons are in the habit of altering post notes issued by this bank—say 5 altered to 50, 10 to 100, etc." On June 21 there appeared a story of an incident showing the ease with which the swindling operations were carried on. Referring to another spurious bank note of which a large number had been successfully circulated, it said: "They were printed at Hamilton, Ohio, are on fancy letter paper, and the body of them is a good imitation of the genuine note. The printers say that a man from Kentucky called upon them and desired them to print him notes of the description exhibited by him, and, strange as it may seem, they complied!"

A short news item, copied in March of this year by some Ohio papers from the National Intelligencer of Washington, recorded the arrival at the national capital of a deputation of Indians of the Cherokee nation. "These Indians," we are told, "are men of cultivated understanding, were nearly all officers of the Cherokee forces which served under General Jackson during the late war, and have distinguished themselves as well by their bravery as by their attachment to the United States."

The Indians were in charge of Col. Return Jonathan Meigs, Sr.—that one line was the only reference to him. A modern newspaper reporter would have made at least a column story of him, for he was

the father of a distinguished man who had been Supreme Court judge, governor and United States senator of Ohio and was at that time postmaster general of the United States. The senior Meigs seems to have lost his place in history, but he had had a career very well worth while indeed. He was born in Middletown, Connecticut, in 1734, joined the revolutionary forces immediately after the battle of Lexington, was captured in the assault on Quebec, but was exchanged. In 1777 he raised a regiment in which he was promoted to colonel. In May of that year, at the head of 170 men, he attacked the British troops at Sag Harbor, Long Island, made ninety prisoners and destroyed twelve vessels without the loss of a man, for which brilliant action he was voted a sword by Congress. He commanded a regiment under Mad Anthony Wayne at Stony Point and was honorably mentioned by Washington. He was one of the original settlers of Marietta, and in 1801 was appointed Indian agent of the United States for the Cherokee nation in Georgia, among whom he spent the remainder of his days. He was eighty-two years old when he headed the Cherokee deputation to Washington in 1816, and at the age of eighty-nine was still United States agent with the Cherokees, when he died in 1823. His famous son, who signed his name Return Jonathan Meigs, Junior, practically all his life, survived him by only two years.

A pretty, authenticated story is told explaining how the very unusual name of "Return Jonathan" was bestowed. The father of the man who first bore it was much in love with a fair Quakeress who lived near Middletown, but she always put him off with "Nay, Jonathan, I respect thee much, but I cannot marry thee." He persisted in his suit, and, after several rejections, dejectedly mounted his horse to depart for the last time. But she relented then, and called to him, "Return, Jonathan! Return, Jonathan!" These were the sweetest words he ever heard in his life, and he vowed that if ever he had a son he would name him Return Jonathan Meigs. He kept his vow, and thus Return Jonathan Meigs, Senior, received his name.

An event of extraordinary interest in the history of Ohio was the introduction of illuminating gas in Cincinnati in the summer of 1816. A few installations of the new discovery had been made in England just prior to that time and a small part of Pall Mall in London was lighted by gas. In America some cotton mills and light houses in New England had been equipped to use it, and in 1817 a small street lighting installation was made in Baltimore. Not for a good many years thereafter was gas used to any considerable extent in the western country, but the Cincinnati Gazette of July, 1816, contained an account of its use in that town, from which we quote, in part:

"Gas Lights.—Mr. William Green, whose active and capacious mind penetrates every useful object, especially in the mechanic arts, has, we are happy to state, brought into successful operation this brilliant discovery. The fact has been witnessed by a large number of the citizens of Cincinnati, and the exhibition is open to all. It only remains now for the community to foster the enterprise, and, by lighting up the principal streets, dispel the gloom and still darkness which pervades them, even on our summer evenings. The expense we have not attempted to estimate; we believe it would not be considerable, as we well know that in England, where gas lights are used to light streets and shops and manufactories, they are considered to be the cheapest of lights, not only because the light is more abundant and lively than that of candles and lamps, but because it absolutely costs less. * * * We shall at present content ourselves with inviting the ladies and gentlemen of Cincinnati to the steam flour mill to view this gratifying sight, confident that it will both enlighten and convince."

On October 10 (1816) the Zanesville Express contained an announcement that "a convention of the clergy and lay delegates of the Protestant Episcopal Church from the states and parts of states west of the

Alleghany Mountains will be held in the Parish of St. John's Church at Worthington on Monday, October 21, and succeeding days, for the purpose of erecting and constituting a regular diocese in the Western Country and of selecting a bishop thereof." This was an historic event of the first importance, for, although the convention did not at its first meeting accomplish its whole program, it inaugurated the movement which shortly afterwards resulted in the establishment of the Diocese of Ohio, the first in the West. Less than two years later, at the same place, Philander Chase was elected first bishop of Ohio.

Bishop Chase was one of the outstanding figures in the religious history of the state. He had just come to the West from New England, had organized several parishes, and had inaugurated the firm establishment of the Episcopal Church in the state. He took charge of the academy at Worthington, and was very active and successful amid the most primitive surroundings. Some years later he made a trip to England to secure funds for a great enterprise which he had in mind—the founding of an Episcopal college and theological seminary—and was so successful in his mission that Kenyon College, at Gambier, ever since that early time recognized as one of the best Episcopal institutions of learning in the country, was established by him. Bishop Chase later resigned his charge, transferred his activities further west, became Bishop of Illinois, and founded another college in that state. A biographer says of him: "He was a man of indomitable perseverence and great strength of will, and was the most energetic and successful pioneer of the Episcopal Church in the 'west.' "

The newspapers contained items upon many other subjects of interest not only to the people of 1816 but also to students of history of those times: The price of butter was 12½ cents per pound; corn and oats, 37½ cents per bushel; flour, best superfine, $4.50 per barrel; gin, $1 per gallon; hay, $10 per ton; loaf sugar, 40 cents per pound; New Orleans sugar, 25 cents per pound; wheat, 62½ cents per bushel; whisky, 54¼ cents per gallon.—The District Court of Louisiana decided the steamboat case against Livingston, so that steam navigation was free on the Mississippi, but he appealed the case to a higher court.—Report of the Ohio Bible Society that 1,816 bibles and sixty-eight testaments had been distributed.—A column description of the wonders om Mammoth Cave in Kentucky.—A grand lottery to build the monument to Washington at Baltimore; great number of tickets sold in Ohio.—A professional company of comedians played "Pizzaro," "A Point of Honor," "High Life Below Stairs," and other popular dramas of the day, in Cincinnati; but the performances were marred by "gangs of ragamuffins" who congregated in front and pelted the theater building with stones.—A large number of wolves and bears played havoc with swine and sheep about Columbus; "one man shot three bears off the same tree."—An embryo marine department in a Cincinnati paper recorded all arrivals and departures of steamboats.—The boiler of the steamboat Washington exploded on June 5, caused by defect in the safety-valve; two killed instantly, four more survived but a few hours, and eleven badly wounded.—The militia of Ohio now consisted of 37,373 infantry, 176 artillery, 1,148 dragoons and 2,256 riflemen; total, 40,943.—Editorial plea for half a dozen porters in Cincinnati, "men to wait on the streets, ready at all times to carry or wheel all sorts of light articles from place to place;" suggestion that they be procured from the negro population, "which has latterly begun to over-run us."—Report of invention of many perpetual motion machines, and learned articles showing that friction and the laws of nature made it impossible to accomplish the result.—News of incorporations in Virginia of companies to bridge the Ohio at Wheeling and Charleston.

An important advance made in the commerce of the state was the formation of The Cincinnati Insurance Company—probably the first enterprise of its kind in the state. It advertised that it would not only

insure property against fire, but would also insure safe transportation of merchandise to and from New Orleans. Farmers could consign their products to the company, receive ready money at once for part of the value of their consignment, and have a full settlement after the report of sales was made the company's agents at New Orleans. By this means, it was emphasized, the producers need no longer take their goods to New Orleans themselves, and they could, besides, secure better prices because the company's agents could sell to much better advantage than could strangers in New Orleans.

The chief interest in the political campaign centered in the Cincinnati district, where Gen. William Henry Harrison was a candidate for Congress against five competitors. As usual at such times, he had to endure violent personal attacks of political enemies, notwithstanding his great services and exalted reputation in the state and the country, but he was victorious, receiving more votes than all his opponents combined. The gubernatorial election attracted no attention whatever in the papers, as it was conceded that Governor Worthington would be re-elected. The candidates against him were Col. James Dunlap and Supreme Judge Ethan Allen Brown.

The people of Ohio were greatly interested in their new seat of government, and the papers gave them what information they had. On October 10, 1816, the Cincinnati Gazette published a letter from Columbus. "Last week, being the time fixed by law for that purpose, several of the public offices were moved to this town. The public buildings are nearly all completed. A sufficient number of apartments for the accommodation of the different officers are already finished, and the remainder, together with the state house, will be entirely completed before the first Monday in December next." It noted that "the town and streets wear the stamp and aspect of rapid and extensive improvement; a substantial bridge across the Sciota River, upwards of five hundred feet long, into Franklinton, is nearly completed." There were already seven mercantile stores in town, and three more shortly expected to be opened, besides two printing offices, a bank, five practicing attorneys and three physicians. "Four years ago a forest waved its umbrageous foliage on the ground where the town now stands."

It will be remembered that all the building operations for the state had been in charge of Mr. William Ludlow, appointed in 1812 by the general assembly for that purpose. This "director of Columbus," as he was officially designated, now became the object of ridicule and derision in some of the papers because of an inscription which he had composed and caused to be cut into the stone over the east door of the new State House:

> "General good the object of legislation, perfected by a knowledge of Man's wants, and Nature's abounding means applied by establishing principles, opposed to Monopoly. Ludlow."

One editor confessed himself unable to "decypher" the meaning of these words. "That specimen has already been given to the world," he wrote, "and William Ludlow has perpetuated at once his name and talents by holding up to the gazing wonderment of posterity the foregoing motto of our Legislative Hall." And he suggested that unless some one could "show the conformity of this inscription either with the general rules of composition or the established rules of common sense," the people of Ohio should insist that it be erased.

Over the west door of the State House there was built into the wall a neatly dressed stone slab bearing the following inscription:

> "Equality of right is nature's plan,
> And following nature is the march of man;
> Based on its rock of right your empire lies,

On walls of wisdom let the fabric rise.
Preserve your principles, their force unfold,
Let nations prove them, and let kings behold.
Equality your first firm grounded stand,
Then free elections, then your union band;
This holy triad should forever shine,
The great compendium of all rights divine.
Creed of all schools, whence youths by millions draw
Their theme of right, their decalogue of law
Till man shall wonder (in their schools inured)
How wars are made, how tyrants were endured.
"Barlow."

The author, Barlow, is, of course, Joel Barlow, the poet of American Revolutionary fame.

Almost the last act of the general assembly at Chillicothe had been the adoption of a resolution instructing the doorkeeper to place all the furnishings and properties of the two houses in the hands of the secretary of state, to be sold at public auction. The fifteenth session was held at Columbus in far finer surroundings than had previously been known to the solons of Ohio. The new building containing the halls for the two houses was regarded as the last word in magnificence of construction and elegance of equipment.

Fifteenth Legislative Session

December 2, 1816, to January 28, 1817

Abraham Shepherd, of Adams County, who in 1806-1807 had been speaker of the House of Representatives, was now elected speaker of the Senate; and Thomas Kirker, also of Adams County, who had been at the head of the Senate in that same session of ten years before, was now speaker of the House. Shepherd had been very active in politics for many years. He was a perfect type of the politician of his day, and practically controlled official doings in Adams County. The year following the present session Brown County was organized, and that part of Adams in which Shepherd lived became a part of the new county. But he continued to hold various local offices until 1826, when he was again elected speaker of the Senate. He was a successful farmer and miller, but finally met with financial reverses, moved to Illinois, and died there in 1847. The name of Abraham Shepherd was one of the most prominent in Southern Ohio for more than thirty years.

Governor Worthington, in his annual message, dealt with many subjects which had to do with the educational and material development of the state, and he informed the general assembly that under the authority given him at the preceding session he had borrowed $104,000 to meet the direct taxes of the United States upon Ohio. The general essembly paid this loan at once, and passed an act again authorizing a loan for the same purpose during the ensuing year in case the general government should impose a similar tax. Ohio was always ready to meet its obligations to the Federal Government with the greatest promptness, and was recognized at Washington as far more dependable in that regard than many of the older states.

The official canvass of the result of the late election, made in joint session of the two houses, showed that Worthington had been reelected with a total of 22,931 votes cast for him. Col. James Dunlap had received 6,295, and Judge Ethan Allen Brown, 1,607. Thus Worthington's majority over all was 15,090—a handsome endorsement of his first administration.

The new list of congressmen from Ohio, as proclaimed by the canvass of the governor and secretary of state, consisted of Gen. William Henry Harrison, John Campbell, Levi Barber, Samuel Herrick, Phile-

mon Beecher and Peter Hitchcock. All of these men were highly creditable to the state. Brief sketches of some of them have appeared on previous pages. Campbell had held only local offices prior to this time, but he continued a congressman for ten years after his election, and was thereafter United States judge for the district of Ohio until his death in 1833. Barber had been aide to Governor Meigs during the War of 1812, was a member of Congress for two terms, and later receiver of the United States land office at Marietta. Herrick also served two terms as congressman, was a presidential elector of Jackson and Calhoun in 1828, and United States district attorney for Ohio for many years.

Secretary of State Jeremiah McLene was reappointed by the assembly and Hiram Mirach Curry of Champaign County, who had frequently been a member of the Legislature, was made state treasurer. Curry held the office until 1820, when he resigned under circumstances which left his name under a cloud. He was accused of embezzlement of the state's funds, and after an investigation the governor was instructed to proceed against his bondsmen and make collection. This was the first instance in the state's history in which corruption of any official was charged.

Judge Ethan Allen Brown was again elected to the supreme bench, but resigned two years later to become governor of the state.

Darke and Lawrence counties were established at this session. As there were other towns in the state named Clinton, the one in Fairfield County was changed to Rushville; and the name of St. Clairsville in Adams County was for the same reason changed to Decatur, in honor of the naval hero. These places continue under those names to the present day, and are not much more populous than they were when rechristened more than a hundred years ago.

Although the amount of business transacted by the general assembly of 1816-17 was small as compared with that of the year before, nevertheless it set in motion activities which very greatly accelerated the commerce of the state, and made life in the country much more pleasant and convenient. New toll roads, or turnpikes, were authorized in surprising number, controlling hundreds of miles of newly improved highways. These turnpikes had become a very great blessing to those who had occasion to travel over them. Many of the ordinary roads were so bad that they were often impassable in bad weather. Even horse-back riding over them was impossible at such times, and post riders, who used only the best of horses in carrying the mails, were sometimes unable to go through. Consequently the establishment of toll roads, which were kept in as good condition as possible at that day, was greatly encouraged, and they were the source of excellent profits to the companies which managed them. The laws incorporating these companies were uniform in their provisions. They required that no tolls should be collected from persons going to and returning from public worship on the Sabbath day, and also exempted troops of the state, the United States, and mail carriers from paying toll for traveling upon them. Persons who traveled along the sides of the roads were regarded as defrauding the turnpike companies, and were subject to a forfeiture of five dollars, payable to the companies owning the roads. Travelers on the roads were required to keep to the right and not interfere with the free passage of those they met; the fine for violation of this rule was twenty dollars "for the use of the person aggrieved." The charges for toll are interesting at this day, so long after all tolls were abolished in Ohio. They were based on a travel of ten miles—all charges named in the laws were for the use of roads for that distance, with additions or deductions proportionate to distances more or less than the ten mile base:

"For every four-wheeled vehicle drawn by two horses or oxen, 25 cents; for every horse or ox in addition, 6¼ cents; for every two-

wheeled carriage drawn by two horses or oxen, 18¾ cents; for every sled or sleigh drawn by two horses or oxen, 12½ cents; for every horse and rider, 6¼ cents; for every horse, mule or ass led or driven, six months old or upward, 3 cents; for every head of neat cattle six months old or upward, 2 cents; for every score of sheep or hogs, 12½ cents; for every pleasure carriage drawn by two horses, 37½ cents; for every horse in addition, 12½ cents; for every two-wheeled pleasure carriage drawn by one horse, 18¾ cents."

It was especially provided that the state might regulate these prices after the year 1843.

The state authorities very fully appreciated the great importance of providing public roads also—as they had done since the beginning—and during this session more than one hundred additional such new roads were authorized, $60,000 being appropriated out of the United States three per cent fund for their cost. Permission was granted the Wheeling and Belmont Bridge Company to construct a bridge over the Ohio. A proviso was made that the company should not use any of its funds as a banking company. This condition was now placed upon almost all incorporated companies—even the turnpike companies—the manifest reason being a determination on the part of the assembly to permit no evasions of the banking law passed at the previous session.

Another attempt was made to establish by law an efficient system of assuring that practicing physicians would be competent. It formed district medical boards of censors, who should have a seal to authenticate certificates of licenses to practice, and were to lay down rules of examinations of applicants for such licenses. These examinations should not only include the answering of questions but also the writing of these upon any medical subject designated by the boards of censors.

A rather curious incident at this session made plain the caution of Ohio law makers in taking any part in affairs which they thought belonged exclusively to the general government. The Legislature of Louisiana had adopted resolutions looking to the obtaining of "a steam frigate to be stationed at the mouth of the Mississippi River for the defense of said river," and had invited the cooperation of the states of Kentucky, Tennessee, Virginia, Pennsylvania, and Ohio, and the territories of Mississippi, Indiana, Illinois and Missouri, for that purpose. The committee of the Ohio assembly submitted a long report upon this subject, but they refused to recommend that Ohio comply with the request, and resolutions were accordingly adopted declining to do so. The reason was that "this committee are not in possession of sufficient knowledge of the mouth of the Mississippi River, or of the efficiency of steam frigates, to judge of the propriety of adopting such mode of defense, but this general assembly feel the most entire confidence in the wisdom and vigilance of the general government to ascertain that mode of defense best suited to the peculiar situation of that part of our coast."

The penitentiary, not yet eighteen months old when the general assembly of 1816-17 convened, was the subject of much anxious consideration. It was already found to be too small to take care of the convict population; and there were difficulties in keeping the prisoners at hard labor because there was not enough for them to do. A committee of the assembly made a survey of the situation and submitted a comprehensive report. They recommended that the state prison be removed to Zanesville, to a ten-acre site long before set apart there for the use of the state if it should ever be needed. The reasons for this proposal were: (1) that Columbus did not provide a sufficient market for the prison-made goods and lacked facilities for shipping them; (2) that no "stone coal," a new fuel then, was to be had there, and that this was necessary to successful manufacture where steam was used; (3) that the penitentiary site was too small for necessary expansion. But the recommendation to move was not accepted by the assembly. Instead,

the state auditor was instructed to have plans drawn up for enlarging the prison and to advertise for bids to do the construction work; also appropriation was made for $7,000 to buy materials for the prisoners to work on. In order to speed up the business the keeper of the prison was allowed a two per cent commission on all convict made goods he sold, in addition to his regular salary. But these measures did not solve the problem of the penitentiary. The number of prisoners increased so much more rapidly than had been foreseen that the site upon which it had been established proved in time to be entirely inadequate, and the final solution was removal to a much larger area in Columbus. On the original penitentiary site the state arsenal was built in later years, and it was a place of tremendous activity during the Civil and Spanish wars.

The settling of the state officers in the new "apartments" was a task not so easily accomplished as might at first appear. The furniture which had been sufficient at Chillicothe had been sold at auction—the price brought for it being only $68.50—and entirely new equipment had to be purchased. The quarters at Columbus were so much larger than had been those at Chillicothe and Zanesville that greater provision had to be made to take care of them. The new halls of legislation could not be closed up between sessions and left to take care of themselves. The town of Columbus did not afford suitable residences for the officers. Governor Worthington did not live at the capital. He continued to reside in his mansion "Adena" on Prospect Hill at Chillicothe, and he was in Columbus only when his duties absolutely required his presence there. Everything had to be adjusted to the new circumstances, and this required time. It was necessary for the general assembly to adopt various resolutions in this regard, for example:

"Resolved, That his excellency the governor be and he is hereby authorized and requested to employ some person to take the necessary care of the state house and its furniture during the recess of the legislature and also to take the necessary care of that part of the public offices not occupied by the officers of state.

"Resolved, further, That his excellency the governor be and he is hereby authorized to make such distribution of the rooms in the public offices, for the occupancy of the officers of state, as he shall deem expedient."

Another resolution requested his excellency the governor to provide, and cause to be hung, a bell in the state house cupola.

Notwithstanding the spacious new buildings, the old methods of lighting and heating them—the only ones known—were not improved. Appropriations were made at this session to pay for candles and firewood, as well as for wafers, quills and "ink powders;" also "for thirteen brass knobs and one sweeping brush furnished for the state house." The assembly had no assistant clerks, nor assistant door keepers, nor postmasters, nor pages, nor porters—which Ohio legislatures of modern times employ in large numbers; notwithstanding that at that time the roll of the senators (twenty-eight in number) was three-fourths as long, and of representatives (sixty-two) almost one-half as long, as the rolls of the respective bodies more than a hundred years later.

Very definite evidence that there was now a large population of German immigrants among the new settlers is found in an appropriation of $1,300 to defray the expense of translating and printing the state constitution and part of the general laws in the German language.

The steady flow of thousands of immigrants into the state continued, and this fact brought on a controversy of peculiar intensity between the newspapers of the West and those of the East, which now began a systematic discouragement of settlement in the West. The editors of Ohio attributed this attitude in the East to a fear that their own sections—particularly in New England—would suffer a material diminution of their population. There were acrimonious discussions in the press as to the productiveness of Ohio soil, the conditions of living, the

hardships of clearing the forests, and especially manners and morals of the people of Ohio. On all of these points the eastern papers were very persistent in their attacks, and to them the Ohio press made vigorous reply. Editors did not hesitate to charge deliberate misrepresentation upon the part of the traducers of their state and of its people.

It is curious to note the kind of charges that were made against the character of Ohio's population. One long article, which was copied all over the eastern country, was in the form of a letter written by a traveler from that section during a short stay at Cincinnati:

"And as it respects the habits of the people here, I think a large proportion of them are bad—drinking and fighting are carried on to great perfection. Scarcely a day transpires but I hear the horrid sounds of 'murder' issuing from the lips of some half-murdered wretch. A scene like this occurred yesterday. I flew to the spot from whence the cry issued, and you may judge what my feelings were in beholding a man full six feet tall on the body of a smaller one, chewing his hand with as much deliberation as you would a piece of roast beef. After he had satisfied his savage appetite he stuck his finger in the man's eye and tore it from its socket!"

This picture of life in Cincinnati, which then contained about 7,500 people, was bitterly resented by the papers of that city. "We charge this correspondent with wilful and corrupt departure from the truth," cried one editor. And to other animadversions another paper replied: "The Portland (Maine) land jobbers, in speaking of Ohio, talk as flippantly of 'Western Wilds,' 'the Wilderness of the West,' and the 'Vasty West,' as if it were the haunt of savages. If they could leave their herring and codfish long enough to pay us a visit they would see the wilderness 'blossom as a rose.' Instead of savages they would find large towns, enjoying a cultivated society, and a country filled with hardy yeomanry not inferior to their own. Our population is at this time not less than 500,000."

Wide publicity was given to a letter written by another eastern traveler—a young man who had his eyes opened as to the refined influences under which young ladies of Ohio towns were reared:

"Now, thinks I to myself, rare sport! The girls in this wooden country knew nothing; similar to Low Dutch girls of the states of Pennsylvania and New Jersey. There! Get three or four sleighs, fill them with girls, stow in with them thick as three in a bed and one in the middle, take in a fiddler (no old matron along to keep the girls in order), go to a rowdy Waggoners' Tavern three or four miles from town, get out, set the fiddle to scraping, girls to dancing, boys to drinking—fine times!

"Under these impressions I called, with some of the young men of my acquaintance, on some ladies to whom I had been introduced; and you will be astonished to learn that I was completely deceived in my calculations and found the back-woods girls not quite as uncivilized as I expected. In short, they would not go with us—they were not accustomed in the wilds of the west to go on sleighing parties, to assemblies or to other places of amusement unless married ladies of their acquaintance were of the party. I left the ladies with impressions of respect and esteem very different from those I entertained on my arrival."

The efforts of the eastern papers to retard the stream of emigration were unavailing, but, notwithstanding the vigor of the Ohio editors in defending the reputation of their state, there are many evidences in their own columns that all was not sunshine and happiness among the people. The law passed at the session of 1815-16 providing for the erection of county poor-houses was now, in 1817, receiving consideration in numerous localities. The counties were not required—they were only authorized—to provide the poor-houses, and so far none had actually been built. The township overseers of the poor were still in charge of the destitute, and the dark picture drawn in a letter to the

Supporter of July 1st, of the conditions in Ross County, was but a duplicate picture of those which might have been drawn in all parts of the state:

"If the person applying to the township overseers is thought by them to be an object of charity, advertisements are scattered throughout the township notifying the inhabitants that on such a day a poor or infirm person will be let out to him that will keep him for the least money. This kind of notice generally collects a set of the most needy and dirty livers in the neighborhood to bid down the unfortunate poor—the lowest bidder is the buyer. The person whose situation requires the most tender, humane and delicate attention is carried off by some unfeeling, indolent, half starved wretch who hopes to support himself and family with the money he received for (hastening to his grave by neglect and filth) a poor person."

The state of imprisoned debtors was also receiving consideration, and the papers were leaning toward a campaign to have that evil system abolished. A revolting condition in the jail at Cincinnati, which undoubtedly existed in many other jails of the state, was revealed by the Western Spy of March 31st:

"A humane police would provide in every prison separate apartments for the sexes, and distinguish by like means the debtor from the criminal. Is it so in Cincinnati? No!—all are promiscuously confined in a single apartment, and without even the comfort of a bench to sit upon. Here is to be seen the disgusting—the heart rending—spectacle of men and women, whites and blacks, murderers and debtors—all in one undistinguished group."

The editorial was accompanied by a leading article based upon the fact that imprisonment for debt had just been abolished in New York. It had been accomplished by spreading the startling facts before the New York Legislature—that in New York City alone, during the year 1816, 1,984 different persons had been confined for debt, of whom 729 were imprisoned for claims of less than twenty-five dollars, and that nearly all of them must have starved but for individual charity; that the keepers of the debtors' prisons had been compelled to beg fuel to keep them from freezing to death; that one man had been in prison for three years because of inability to pay a debt of less than fifty dollars; that another had been confined for six years and subsisted entirely on charity; and that thirty debtors then in one prison had wives and a total of seventy-three children.

The explosion on the river of the boiler of the steamboat Constitution, in the spring of 1817, produced a profound sensation throughout the state and set people to wondering whether steamboats were a blessing after all. Eleven of the passengers were killed—"all of the most respectable passengers on board," one paper described them. This was the sixth terrible disaster of the kind to occur within twelve months, one of them on the Thames River in England, in which "the boiler was blown to atoms and fourteen out of twenty-two passengers killed or wounded." The Liberty Hall and Cincinnati Gazette commented: "The idea of being scalded to death is so dreadful to the imagination and in reality, that we apprehend a few more instances of the boilers of steamboats bursting will go far to destroy this highly useful mode of navigating our rivers." But the building of steamboats went on rapidly nevertheless, always of greater size and magnificence of appointments, and scarcely a week passed without the recording of the arrival and departure of new boats in the river notes of the Cincinnati papers.

A big news item of May 11, 1817, was the announcement that a line of stage coaches would be established immediately, between Louisville and Wheeling. It does not appear that such a line had previously been operating in Ohio, but those from Louisville traversed the southern part of this state and the people of Ohio were highly interested in it. The stages carried mail and passengers, sixty miles a day, ran three

times a week, and at Wheeling connected with the stages to and from Philadelphia and Washington. The announcement stated that "in case any accident happens to a stage, arrangements are made to carry passengers by horseback until the next stage can take them."

Another important announcement was that made, April 21st of this year, that the merchants of Philadelphia were "exerting themselves to form a company for the transportation of goods to Pittsburg, in wagons to travel day and night, and at a uniform rate through the year, considerably lower than at present." This enterprise was attributed to the importation of large volumes of foreign goods to Ohio through New Orleans, where vessels made port from all parts of the world. The eastern merchants determined to secure the great and growing trade for such goods in the western country.

In line with this there appeared another commercial news item which a century later appears extraordinary in view of the fact that the Scioto River is never used as a navigable stream except for the very smallest boats, and no freight traffic from Columbus has been carried on it within the memory of any now living. The Monitor, of Columbus, on April 3, 1817, printed this: "The Scioto exhibits an aspect of commerce unknown to former times. Seven Orleans boats have been built in this neighborhood within a few weeks and have taken part freight at this place, but are principally freighted at Circleville and Chillicothe. They are all freighted with flour, at 350 barrels each, destined for New Orleans." As flour was selling at more than ten dollars per barrel at New Orleans, this shipment alone would bring back to Ohio more than $25,000.

It was in this year of 1817 that the last obstacle was removed from the settlement of the great territory at the northwestern corner of the state. A treaty between the United States Commissioners (Governor Cass, of the Territory of Michigan, and Gen. Duncan McArthur, of Ohio) and the Indians who had possession of those lands, was concluded at Fort Meigs early in October. The papers of Ohio gave the incident much attention. The Watchman, published at Dayton, contained the first news of it in its issue of October 8: "The treaty of Ft. Meigs has been brought to a close. The cessions made by the Indians on this occasion nearly extinguish their title in this state. The two great objects are gained: the security of the northwestern frontier and opportunity for an immediate settlement of the country, which latter will soon compel the few remaining Indians to adopt the habits of civilization or to migrate to situations more congenial to savage life."

This was an event of immense importance in the history of the state. It had long been intensely desired, and the great tracts of rich land were henceforth to be a real factor in the increase of population and wealth of Ohio. Toledo, then unknown to the map of Ohio, became the metropolis of that district within a few years, and, later, one of the great cities of the state.

Many published incidents of more minor import throw a flood of light on conditions in Ohio during this year. "The extreme badness of the roads" prevented the Miami Intelligencer from procuring paper from the mill, which caused the appearance of only half sheets or none at all.—"The extreme coldness of the weather, which prevailed during the last week, was the cause of our paper (The Philanthropist) not appearing on the 17th," of January.—"The eastern mail due on Thursday did not arrive, in consequence of which our paper appears rather barren of news," says another editor.—Valentine Labolt, of Marietta, an old offender, was sentenced to seven years at hard labor in the penitentiary. "It is but a few years since he received a public whipping for the same offense," which was that of stealing cloth.—Several mail robberies occurred in Eastern Ohio; one of the men arrested hanged himself by a handkerchief in the jail.—Very many warnings against counterfeiters and spurious money swindlers.—"Our

paper for some time past, owing to bad ink we were compelled to use, appeared rather under the weather, there being no ink to be obtained short of Pittsburg." Its sickly appearance was just as noticeable to the reader of a century later as to those who read it in 1817.—The Ohio River was frozen so hard in February that sleighs, wagons and horses traveled over its surface—for the first time known to any one. This was a disaster because it stopped for some weeks receipts of goods from New Orleans.—People in Ohio approved a change just made in the American flag by which the thirteen stripes were permanently adopted by Congress, with a new star for each state admitted into the Union.—Great interest in a small sailing schooner which arrived in the Ohio River from Rome, in the central part of New York State, via Wood Creek, Oneida Lake, Oswego River, Lake Ontario, Buffalo and Lake Erie, Cataraugas Creek and the Allegheny River. Portages, on wheels, of only eleven miles around Niagara Falls and eight from Cataraugas Creek to the headwaters of the Alleghany.—Lake Erie fleets of both American and British war ships dismantled except two small revenue cutters for each. "This saves great expense and is, besides, an evidence of confidence and good will on the part of both."—Meeting of delegates from eight townships in Hamilton County to endorse candidates for state senator, representatives, and a county commissioner. Report of the meeting signed by Othniel Looker, chairman, and William Henry Harrison, secretary. Think of the latter great name signed to a report of such small consequence!—The estate of the famous Nathaniel Massie, who had died in 1813, insolvent, and, according to published legal notice, not yet settled up in 1817.—Notices of the death of Samuel Huntington ex-governor, and conspicuous name in Ohio history, June 7th, 1817.

Probably the greatest event of the year, not only in Ohio but in several other states as well, was the tour through them of President James Monroe and his suite. To the people of this state, perhaps not one in ten thousand of whom had ever seen a chief magistrate of the nation, it was an occasion of enormous public interest. The itinerary, which began at Washington on June 2nd, extended successively into the states of Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine (then a district of Massachusetts), Vermont, thence to Detroit and into Ohio.

On Saturday, August 23d, the President reached Delaware, and passed the Sabbath of the 24th there. On Monday he arrived in Columbus, and was officially greeted there by Governor Worthington, who had hurried from his home at Chillicothe for the purpose. On Tuesday he proceeded to the line between Franklin and Pickaway counties, was met there by a deputation from Circleville, and escorted to "Mr. Holmes' Tavern," where he remained over night. The next morning he was escorted by a troop of horse to Circleville, whence he proceeded to the boundary line of Ross County and was met by a large number of gentlemen from Chillicothe on horse-back. These escorted him to Governor Worthington's mansion, "Adena," overlooking Chillicothe from Prospect Hill, where he spent that night. On Thursday the president was taken to Chillicothe, thence to Lancaster and Zanesville, which was his last stopping place in the state.

The newspapers chronicled all these moves, together with the elaborate addresses made to him and his "elegant and impressive" responses. Great throngs of people gathered at every stop and along the road. There were decorations, artillery salutes, formal dinners, and every possible attention. A detailed history of this whole tour was published the next year in a 300 page book by S. Putnam Waldo, and the various events, together with addresses of town officials everywhere, and responses by the President, were included. Many comments were made by the author, and Ohio people and towns received highly complimentary attention at his hands.

The "Era of Good Feeling" which characterized the times of the

administration of President Monroe may be said to date from this tour. Gradually and rapidly political rancor disappeared, and all papers, whether federalist or democratic in politics, spoke in the warmest terms of him. He had been elected as a democrat, but party lines were now obliterated, not only in Ohio but also throughout the country. The Supporter, of Chillicothe, which was the chief federalist paper in the state, in the course of a long editorial, said: "There is reason to believe that Mr. Monroe will be the president of the United States, and not president of a party; and if so, he will command the support and esteem of the wise and virtuous of all parties and retire from office amidst the benedictions of a grateful and happy people."

That this was a true prophecy, was evidenced by the fact that three years later he was reelected President with but one dissenting electoral vote.

Sixteenth Legislative Session

December 1, 1817, to January 30, 1818

The Senate again elected Abraham Shepherd its speaker; and Gen. Duncan McArthur was made speaker of the House of Representatives.

Governor Worthington's message to the assembly had for its keynotes the advance of the material welfare of the state by increased building of roads and encouragement of business industries, and the mental development of the rising generation by improvements in facilities for their education. He dwelt upon the inadequacy of the schools and the teachers, and urged upon the assembly the necessity of improvement in these regards, if a high position was to be taken by the state. Governor Worthington fully realized the great importance of the mental training of the young. In his message he not only urged the Legislature to provide every possible opportunity for this, but strongly appealed to the teachers themselves to advance their professional attainments by forming teachers' associations for mutual self-improvement. The equipment of teachers for their work was inadequate, and the conditions under which they taught were so discouraging as to offer no inducements to efficient and well educated men to enter the profession. The governor requested the general assembly to increase their compensation over the "subscriptions" of parents of school children, and to provide means for the training of teachers to enable them to do a higher grade of work. But none of these suggestions were adopted by the assembly.

The session of this year was not productive of much legislation of a general character. Perry, Brown, Clark, Morgan, Logan, Hocking and Medina counties were established, which brought the total number up to fifty-one.—Six new banks were incorporated, located at Steubenville, Portsmouth, Canton, Hamilton, Gallipolis and Circleville. With these there were now twenty-seven incorporated state banks.—The annual salary of the secretary of state was made $1,000, an increase of $200 over that fixed two years before, to make it conform with the salaries of the treasurer and auditor.—An act was passed providing that convicted persons were not to be sent to the penitentiary unless the money or goods stolen, or property damaged, was of a value of ten dollars or more.—Another act permitted doctors to practice medicine in the state without examination by the medical board of censors if they had received the degree of Doctor of Medicine from any university or other medical institution in the United States.—Adam Betz, who had become an institution as door keeper of the House of Representatives by holding that position for fifteen successive years, was now defeated for reappointment.—For the first time since the founding of the state county sheriffs, recorders and auditors were now permitted to have deputies and clerks under certain conditions; this had become

a necessity by reason of the large increase in the business of some of the counties.—The Supreme Court was removed to Columbus from Chillicothe, and the senators and representatives in Congress were by resolution asked to secure, if possible, transfer of the United States District Court also to the capital.—An act authorized a lottery to raise $20,000 "to defray the expense of completing the college edifice lately erected at Athens and to purchase a library and suitable mathematical and philosophical apparatus for the Ohio University."—The governor, under authority of the previous assembly to borrow more money to meet direct taxes of the general government, had found it necessary to make a loan of only $34,000, and an appropriation was made to repay this.—Provision was made to secure for the State of Ohio copies of the laws passed in the other states of the Union, presumably for study of the methods by which state problems had been met elsewhere.

Action was taken authorizing the extension of the penitentiary which subject had occupied so much time at the previous session. The work was left in the hands of the state secretary, treasurer and auditor, who, pursuant to instructions, had had plans drawn and estimates of costs made, and $15,000 was appropriated to meet the bills for it. The convicts were to be used in the labor of construction, and an agent, or superintendent, was to be appointed at an annual salary of not more than $800. An appropriation of $10,000 was also made to cover cost of buying material for the convicts to work upon in their manufacturing operations, and to defray the expense of sheriffs in conveying convicts to the big state prison.

The ever present subject of slavery came into the assembly in a new form by agitation of Ohio anti-slavery advocates, and a preamble and resolution were adopted as follows:

"Whereas, a number of the good people of this state have by a memorial expressed their most ardent wishes for the emancipation and colonization of the people of colour of the United States; Therefore—

"Resolved by the general assembly of the state of Ohio, That our senators in congress be instructed, and our representatives be requested, to use their best endeavors to procure the passage of a law which will effect the purpose aforesaid."

Prior to this period there had been no definite provision by which a man condemned to death in the state could be reprieved. A celebrated murder case occupied much of this assembly's time and led to an important change in that regard. One Jacob Lewis, of Zanesville, had been convicted of murder in the first degree and sentenced by the court to be hanged. But he had influential friends who carried the case to the State Legislature, asking for a reprieve. The existence of the penitentiary brought in a new element. It was thought that the man ought to be taken there if reprieved, but there was no legal means of confining him there. Much discussion of the constitutional aspects of the case was held from time to time throughout the whole session. Finally a law was passed placing with the governor the right in such cases to commute death sentences to "perpetual imprisonment," and to place such reprieved murderers at hard labor in the penitentiary. Under this law Lewis was conveyed to the prison, and, presumably, spent the rest of his life there. In the governor has rested decisions in all such cases ever since that time.

State Treasurer Curry reported that after expending $25,178.66 from the three per cent fund for building roads during the previous year (1816), there remained a balance of $26,723.40 available for the same purpose. Also that he had during the year paid bills from the state treasury amounting to $202,310.26, and that there was a deficit of $1,522.57.

The state auditor made a report of taxed land which is interesting as showing the strides so far made in taking up the public lands. Under the tax system all lands were still classified in three grades as to value.

The commissioners of the forty-four counties existing in 1816 had made to the state auditor detailed returns of all the taxed lands of the three grades in their respective counties, and the totals compiled by him were: First grade, 154,049 acres; second grade, 3,490,394 acres; third grade, 2,877,595 acres; total, 6,522,038. The amount of taxes assessed against these acres for state purposes was $130,999.23.

It is curious to read the list of the ten counties which contributed the largest amount to this total. They were: Ross, $8,727.27; Hamilton, $6,531.91; Columbiana, $6,385.20; Trumbull, $6,138.13; Fairfield, $5,875.32; Clermont, $5,213.02; Portage, $4,956.23; Franklin, $4,449.29; Warren, $4,354.11; Washington, $4,330.78.

Since that day all but two of these counties—Hamilton and Franklin—have sunk far below the relative positions which they then occupied in their contributions to the support of the state, and other counties which were then quite insignificant or not in existence at all have risen to immense importance in land values, general wealth, and population.

Among the appropriations made January 28, 1817, was the following:

"Sec. 5. Be it further enacted that a sum not exceeding three hundred thousand five hundred dollars be and the same is hereby appropriated as a contingent fund subject to the order of the governor for the year one thousand eight hundred and seventeen, who shall make a report of the disbursements thereof to the next session of the general assembly."

And on the same day this resolution was adopted:

"Resolved, That the governor be, and he is hereby, requested to procure a bell of such size and dimensions as he may think proper, and cause the same to be hung in a proper manner in the cupola of the state house, for the use of the legislature; and also to procure a sufficient quantity of carpeting for the floors of the senate chamber and representatives hall; and in procuring same he shall give preference to the manufacturers of this state when the expense thereof is not materially different."

All in the regular routine of the day's work! But out of these legislative acts came an unexpected result; for they laid the foundation of one of the great institutions of Ohio—the State Library.

In his annual message to the assembly of this year (1817), Governor Worthington included this paragraph:

"The fund made subject to my control by the last general assembly, besides the ordinary demands made upon it and for articles mentioned in the resolution of the legislature of the 28th of January, 1817, has enabled me to purchase a small but valuable collection of books which are intended as the commencement of a library for this state. In the performance of this act I was guided by what I conceived the best interests of the state by placing within reach of the representatives of the people such information as will aid them in the discharge of the important duties they are delegated to perform."

The amount he invested in the books was $2,002. Contributions had also been made of the works of the celebrated English philosopher, Jeremy Bentham, in thirty-seven volumes. John Quincy Adams, then minister of the United States to the Court of St. James, had sent these books, a gift from Bentham himself.

One hundred years later Daniel J. Ryan, one of the trustees of the Ohio State Archæological and Historical Society of Ohio, in the course of an address delivered at the Ohio State Library Centennial celebration, said:

"Subsequently Governor Worthington presented a catalogue of the books purchased, being 509 volumes. They embraced a wide range of literature of the most substantial character, and it is noticed that in the entire list there is but one work of poetry, that being Milton's 'Paradise Lost.' In this list we observe the works of authors representing the best literature in ancient and modern times. The foundation thus laid by

Governor Worthington has increased year by year until there has been formed one of the most comprehensive and valuable collections of books possessed by any state in the union. The man who did this work has erected for himself a monument more lasting than brass and has rendered the generations that followed him his grateful debtors.

"His memorial is this library. Other governors have contributed their part in developing the material greatness of the state and some have added glory to its name by valor in war, but the man who has furnished means of happiness and elevation of spirit to the thousands that have gone before, and through whose instrumentality thousands to come will be benefited, has left a monument that time cannot destroy and men cannot forget."

During the session in which Governor Worthington informed the assembly of the beginning of the state library a committee was appointed to adopt a plan to care for it and to establish rules for its government. The books were kept in one of the rooms of the public office building, open during the legislative session only, from 8 o'clock a. m. to 1 p. m. and from 4 to 8 p. m. daily. A librarian was employed, to serve during the session only, and it was his duty to label, number and catalogue the books, and keep accurate accounts of all issues and returns of them. During the recess of the assembly the governor himself had charge. Only the state officers, members of the Legislature and their clerks could use the books. Folios taken out might be retained three weeks, quartos two weeks, and octavos and duodecimos one week. If one was kept longer the borrower had to pay a fine of 25 cents a day for a folio, or 12½ cents per day for a smaller book. These fines could be remitted for good cause by the speakers of the Senate and House, but right to use the books was denied to persons who had violated the rules. If a book was damaged when returned the borrower could not have another until the damage was made good. If books were not returned within two days before the adjournment of the assembly the librarian notified the speakers, and they would retain twice the cost of the books from the salaries of those holding them. And any book lost which belonged to a set was charged at double the value of the complete set.

A hundred years later a great change has taken place in the management of the library. Books are issued to the public under proper safeguards, and thousands of them are sent on tours through the state for the use of people at their homes.

It is probable that nobody except Governor Worthington himself had the least conception of the great thing he had done in establishing the state library. The records bear no words indicating that the assembly had a vision of its future, and, so far as a careful search discloses, there was not one word in any newspaper concerning it beyond the bare fact that the books had been purchased.

With the exception of the act concerning reprieves for condemned murderers, this Legislature did not pass a single general law; as the newspapers were not slow to announce and to comment upon in a way derogatory to the body, both before and after its adjournment. "The legislature of the state," said the Supporter of February 3, "adjourned on Friday morning last after a session of two months, which appears to have been spent to very little purpose. They have chartered seven new banks and erected seven new counties; and have wasted so much time in windy warfare that they have passed but one single act of a general nature."

The newspapers were greatly interested in the act concerning the reprieve of murderers, and revealed an interesting fact in connection with it: "A few days since," reported the Chillicothe Supporter at the time, "a bill passed the senate to amend the law for the punishment of crimes. In this bill was introduced a provision that no person should be punished with death for the commission of any crime. Instead of death it was proposed to punish with perpetual imprisonment in the

penitentiary. On this question the senate was divided fourteen to fourteen, and so the question was lost." Thus early, in the state's history, only a few years after repeal of satutes which prescribed the death penalty for five different crimes, was introduced the subject of abolishing capital punishment, which has been a matter of almost continuous argument in Ohio through all the intervening years.

One of the notable questions considered by the general assembly at this session arose partly out of consideration of the tenure of office of State Treasurer Curry. When elected to his office by the assembly at the preceding session it was to fill a vacancy occasioned by the resignation of William McFarland, whose term would have expired in the following March. Proposals were now made to elect a successor by those members who regarded that Curry's term had ended. Others opposed this on the ground that the treasurer's term under the constitution was for three years, and they contended that Curry should continue in office for a full term. This precipitated a controversy in which the exact meaning of the language of the constitution was called in question. The newspapers were quick to take up this subject, and discussion of it filled much space. But there was a general admission that, as expressed by the Chillicothe Supporter, "our constitution is so badly worded that in many instances it is difficult to tell what the framers had in view."

There was objection also to other provisions of the fundamental law, chiefly those relating to the judiciary. The presiding judges of the courts were compelled to travel so far and so often to meet their engagements in the several counties that it was a great hardship upon them and they were often unable to reach towns where their presence was necessary for the holding of court. There had been a growing desire to revise the constitution, and, as a result of the feeling which culminated at this time, a bill was introduced in the assembly to call a convention for the purpose. But it failed of passage.

Another measure before the Legislature arose to major importance in the press of the state and produced intense animosity among the members of the assembly itself. This was the proposal, now boldly stated, in a bill to tax the Ohio branches of the United States Bank. It would place an annual tax of four per cent upon the amounts received by those branches for all discounts and interest on loans. The bill was at first expected to pass by a large majority, and, indeed, the votes on preliminary motions gave every reason for that expectation. But the branch banks had powerful influences at work. Gen. Duncan McArthur, speaker of the House of Representatives, who was himself a director of the United States branch bank at Chillicothe, bore the brunt of the battle for them. Delays in taking the final vote were secured, and the enemies of the bill were able to prevent present action on it. Its consideration was postponed until the following session.

Discussion of the question was continued in the newspapers during the whole of the ensuing year. Some of the correspondents for and against the measure were so violent in their language that the editors frequently warned them that they must moderate their expressions. Editorial notes often appeared announcing that communications received upon the subject would not be printed because of their highly objectionable contents. The position of the opponents of the branch banks was that they were endeavoring to monopolize the banking business of the state and thus destroy the state banks. These were, of course, owned by citizens of Ohio, and their friends claimed that they ought to have every encouragement on the part of the State's Legislature. Those favorable to the national institution pointed out that under the state banking system the value of notes issued by the local banks was generally in doubt, and that very often it was below par. In this contention they were certainly borne out by the facts published in almost every issue of the papers. Reports were very numerous that the money issues of

this or that bank were worthless because of suspension of payments. There were published lists of banks of Ohio and other states whose notes were quoted at less than their face value.

The conditions as to circulating mediums were, in fact, intolerable, as was made plain by articles published in all the papers. Quotation from one of these will suffice. The State Legislature of Kentucky, in January (1818), incorporated thirty-three new state banks, with a total authorized capital of $6,570,000, most of which was merely on paper, but it made possible the issue of a new great flood of bank notes. The Western Spy of January 31, taking this action as the basis for a long editorial, thus described the general financial situation, so far as it affected the public:

"Are we not already sufficiently inundated with the vile trash issued, in lieu of money, by Banking Institutions? Is not the credit of the West, at this time, sufficiently low in the Atlantic states? But these considerations are the smallest part of the evil. Countenance this measure of the Kentucky legislature, and no person is secure in the possession of his property. Countenance it, and, we venture to assert, you shall, ere long, be unable to purchase a six penny loaf of bread with a dollar note. Where is the bank? What is the security for the payment of its notes? says the shop keeper to the labourer who presents his representative of money to buy goods for his necessitous family. 'I would not give you the value of the paper it is printed on for it.'

"The evil, however, will not rest on the poor alone, for we are decidedly of the opinion that all confidence in all monied transactions will be lost. Commerce will cease, for the exchange will not be possible to be made; no man, however good his circumstances may be, will be found capable of supporting the excessive discounts he will have to pay before his money can be made useful."

One of the very interesting features of the early papers of Ohio is the continued story, year after year, of the troubles and delays in deliveries of the United States mails. It was a never ending subject of news and of complaints. The people in general were greatly interested, of course, but to the newspapers it was of the most vital concern. They depended entirely upon the mails to bring them the eastern papers from which all their information was extracted as to the happenings in the world outside of their own immediate territory. Mails were affected by high water, by bad roads, by failure and neglect on the part of post riders and stage coach drivers, and sometimes by mail robberies. A Cincinnati paper of January of this year bewailed the fact that it had received no mail for a week, but had, instead, a letter from the postmaster at Chillicothe explaining that one stage driver had forgotten the mail somewhere east of Zanesville and that the one who followed two days later had been unable to take it up because his bags were too small to hold the Cincinnati mail and so he had left it behind. The editor, having exhausted himself in unavailing violent language, now changed his style to one of a sort of mild sarcasm: "We respectfully submit to the post master general whether these things are not worthy of his attention. Stage drivers may certainly be found who will not forget the principal part of their business, nor is leather so scarce in the western country but what sufficient may be obtained for mail bags."

As a last resort the editors took the matter up with Congressman William Henry Harrison, and in March he wrote them a long letter on the subject. He said he had made frequent calls on the postmaster general (Return Jonathan Meigs, Jr., still held that office) and "I am perfectly persuaded that it is his wish to do everything in his power to place the mails upon a footing the most beneficial and acceptable to the people. But his distance from the scenes of these abuses, and the numerous sources of them, render it really out of his power to prevent them from occurring, or, as speedily as might be wished, to correct them when they do occur." So, they had to continue to endure them.

Those strong passages of Governor Worthington in his annual message to the general assembly which dwelt upon the almost utter lack of provisions for the education of the rising generation met with no response from that body. But that they were timely, and that they ought to have received generous support, appears very evident from a perusal of the newspapers of the year 1818. Although many of the citizens were people of high education and culture, it is plain in many articles published that a great number of them were practically without education and many were illiterate. The newspapers often urged that measures be taken to improve these conditions, but the necessary public appropriations were not forthcoming and the parents of children were not disposed—or not able—to provide them with proper schools. "It is a melancholy truth," one of the editors stated, "that a large proportion of the sons and daughters of the citizens are growing up in sloth and ignorance, without the means of education, and calculated hereafter to become a reproach instead of an honor to their country. Is there a single other state in the Union in which the condition of literature is so languishing? in which schools are so neglected and the funds appropriated for their support so badly managed? in which there are so few academies and such a want of patronage, zeal and liberality for their encouragement? in which teachers are so badly qualified or so injudiciously selected?"

But at last means were being provided to educate men in a systematic way for the medical profession. No medical college for Ohio was as yet thought of, but in the fall and winter of this year 1818, there was held at Cincinnati the first of an annual series of medical lectures of recognized authority, "on surgery and surgical anatomy, by Doctor Rogers; on materia medica and the practice of physic, by Doctor Drake; on chemistry and pharmacy, by Mr. Slack." The charge for the full series was thirty dollars; to "those who wished to be furnished with books and private instruction" the charge was forty dollars. So far as known, this was the first formal and established course of study for physicians and surgeons in the West.

In the course of an article upon the natural resources of the State of Ohio, prepared for The Western Emigrant Society which had now been formed, a list of the quadrupeds and birds (not domesticated) was published at this time. Most of them are still very common, but some of them are no longer seen in Ohio and some have since made their appearance which were not known then. The list was as follows:

"Quadrupeds—Bear, wolf (gray and black), elk, deer, beaver, otter, musk-rat, fisher, raccoon, panther (or painter), wild cat, fox (red, gray and silver gray), mink, skunk (or polecat), wood chuck (or ground hog), rabbit, weasel, squirrel (black, gray, red and striped), ground mole.

"Fowls and small birds—Turkeys, swans, geese, brants, ducks (great variety of), eagles (variety), gulls (variety), turkey buzzards, loon (black and white), ravens, cranes (variety), owls (variety), hen hawks, pheasants, partridges, fish hawks, pigeons, whipperwills, king-fishers, wood cocks, wood peckers, quails, black birds, blue jays, plovers, snipes, thrushes, larks, robins, gold finches, swallows."

In March (1818) it was possible to publish something official about the weather of the previous December, and it is interesting now because it was the first reference made to thermometrical readings in this state. Josiah Meigs, who signed the report, was commissioner of the general land office at Washington, and the information on which he compiled his statement was sent to him under instructions by his registers of land offices at Detroit, Wooster, Zanesville and Cincinnati. The mean temperatures for December, as given in this belated report, were: In Detroit, 26 degrees above zero; Wooster, 29; Zanesville, 35; Cincinnati, 36. The lowest temperatures at these points in the month were all on the 21st, and were: At Detroit, 10 degrees below zero; Wooster, 8 below; Zanesville, 4 below; Cincinnati, 6 above.

These figures were prominently displayed in the papers, as important news, under the heading "Meteorological." That the facts were two months old apparently did not render them any the less interesting to the citizens of Ohio.

Many small items of news found their way into the columns of those old papers, and some of them are quite as interesting now as they were then because of their contributions to our knowledge of conditions in the still primitive times: In March a great thaw and heavy rain raised the waters in the streams of Central Ohio so high as to produce enormous damage to property along their banks, which was early evidence of the fallacy of the theory advanced ninety-five years later (1913), when the same cause in the same streams wrought great havoc, that the clearing away of the forests was responsible for the great and sudden floods in modern times.—A note that in Belmont County 170 marriage licenses had been issued during the year 1817, but "as the Friends and Seceders marry without licenses the number of marriages must have been considerably greater."—Many descriptions of Indian atrocities, but all of them were a long way west and south of Ohio; and the United States established a military post on the Yellowstone River, 1,800 miles west of St. Louis.—Ross County bought a 200-acre farm on which to erect a poor house, the first one mentioned under the new law.—The Ohio militia now consisted of a total of 61,988 men, as compared with 49,483 the preceding year.—Report of death of Daniel Boone, famous in Ohio, then living in the West, denied. "So far from his being dead, Colonel Boone has intimated his intention of moving higher up the Missouri, and out of the precincts of the settlements which are so thickly forming around him."—Ticket 3,673 held by Ohio gentlemen, drew the $100,000 prize in the lottery for a surgical institute in the East.—The Cincinnati town council established a night watch consisting of a captain and six subordinates, part of whose duties was to trim and light the street lamps.—Gen. Arthur St. Clair, the old first governor of the Northwestern Territory, died August 28 at his home in Greensburg, Pennsylvania.—The people of Cincinnati urged the town council to provide fire-hooks and ladders, as they were quite as important as the fire engine.—All Chillicothe citizens were requested to have buckets ready to be immediately available at all times for use in extinguishing fires in the town.—"A well has been sunk on the farm of Mr. Demming, in Medina County, which affords from five to ten quarts of Seneca oil per day."—Soda water was announced, in a large advertisement, to be had at a fountain set up in Cincinnati, with a doctor's certificate that it was harmless, and in some cases beneficial to health.

Political activities for the gubernatorial election in October began early in the year, and even in January Judge Ethan Allen Brown, who had been defeated the last time by Governor Worthington, began to be regarded as certain of election. It is probable that he could have been elected in 1816 against any man other than Worthington, and it now became evident that he would have but little opposition. Gen. Duncan McArthur's name was put forward by some, but he promptly disclaimed a wish to be a candidate, and, in his letter to the public, stressed that the office ought to be given to a man from the western part of the state inasmuch as all previous governors had been residents of the southern, eastern and northern sections. As Judge Brown lived in Cincinnati, this helped his chances. The only other avowed candidate was Col. James Dunlap, of Chillicothe.

Gen. William Henry Harrison addressed his constituents declining to be a candidate for reelection to Congress, but three other congressmen were reelected with little opposition.

As usual, in the utter lack of organized news gathering, and with the slow methods of travel, the newspapers received the returns only after great delay. Almost four weeks after election day the vote was

in from only fifteen counties. By November 4 it was known that in twenty-five counties reporting Brown had a majority of 15,124. Even when the official vote of the state was canvassed by the general assembly in December, returns from six counties were missing, but without them Brown's majority over Dunlap was more than 22,000.

ADMINISTRATION OF ETHAN ALLEN BROWN

Seventeenth Legislative Session

It was known that this was to be a highly important session. The decisions as to taxing the United States branch banks and as to the proposed convention to revise the state constitution were to be made, and not only the members of the assembly but the people at large were on a high tension with regard to both questions. The two months of the sitting were, indeed, among the most momentous in the early history of the state.

Robert Lucas, of Pike County, was elected speaker of the Senate, and Joseph Richardson, of Columbiana County, speaker of the House. Both were comparatively new names, neither having attained any previous prominence. Richardson's career was inconspicuous. Lucas had been a brigadier-general in 1813, but his part in the war had attracted no particular attention to him. Afterwards, in 1832-36, he was governor of Ohio. He was territorial governor of Iowa from 1838 to 1841, and remained there after the state's admission, until the time of his death in 1858.

Now, for the first time, the title sergeant-at-arms was substituted for doorkeeper. Edward Sherlock, who had held that place in the constitutional convention of 1802, and in the Senate every year since, was retired in this year 1818, and his successor bore the name of John Martin.

Governor Worthington's fourth and final message to the general assembly again devoted much attention to the subject of the education of the people and to the energetic building of roads, especially dwelling upon the importance of the proposed National Road, which some years later became the chief artery of travel from east to west. He was greatly concerned over the banking situation in the state, and offered as a solution the organization of a state bank in which all the chartered banks should become united after surrendering the respective charters under which they were functioning. He advocated the utmost possible encouragement of domestic manufactures; and asked that legal restraints be placed upon the production, sale and use of intoxicating liquors, the evil effects of which were growing more and more menacing.

Governor-elect Ethan Allen Brown took the oath of office and delivered his inaugural address. It dwelt largely upon the inequalities of taxation and methods of assessments. He also urged heavy taxation of United States branch banks.

The canvass of votes in the six congressional districts officially disclosed that Thomas R. Ross, John W. Campbell, Henry Brush, Samuel Herrick, Philemon Beecher and John Sloane had been chosen to the national Legislature. Some of these were present incumbents of the office, as has been noted before in these annals. Ross was a practicing lawyer at Lebanon. He served three successive terms in Congress, but held no other positions of importance, and died on his farm in Warren County in 1869, at the age of eighty-one years. Brush was a lawyer at Chillicothe and later at London. After a single term in Congress he became one of the supreme judges of the state, and lived a quiet life until 1855, when he died on his Madison County farm, aged seventy-seven. Sloan served five terms in Congress, retiring in 1829; was later secretary of state, and United States treasurer. His home was in Wooster, where he died in 1856.

ETHAN ALLEN BROWN

Governor December 14, 1818—January 4, 1822. Born July 4, 1776; died February 24, 1852. Judge Ohio Supreme Court; United States Senator; minister to Brazil; commissioner of land office.

Peter Hitchcock, who had just finished a term in Congress, was appointed judge of the Supreme Court, to fill the vacancy caused by the resignation of Judge Brown to become governor.

Jeremiah Morrow's term as United States senator had expired and the contest to fill his place was a very spirited one. Thomas Worthington was a candidate against three others, but was defeated on the fourth ballot (39 to 46) by William A. Trimble of Highland County, a young man of thirty-two. The letter of a Columbus correspondent of the Western Spy told the story of the election in sporting terms and in a manner which showed no respect for the name of Worthington, revered in history. His reference to Worthington's "weight," as explained in a foot note, were his vote against declaration of the late war and his favorable interest in the Bank of the United States. "Yesterday," he wrote on January 31 (1819) "at three o'clock P. M., the great purse was run for by the old Bald-faced Sorrel and the Highland Colt. The old Sorrel led off from the first at nearly his full speed. The Highland Colt (being his first race) was held back until the last heat, when he took the track, kept it, and came out seven lengths ahead, to the great surprise and mortification of the friends of the old horse, who had formerly been one of the surest nags to bet on that could be started—for he had been so often run there was no driving him from the track. Owing to his age he had necessarily to carry some weight. The colt, owing to his youth, and an unfortunate wound received in the late war, was unincumbered. It was thought by all who witnessed the sport that at the outcome he made a greater leap than any other colt has ever made before in the western country."

Senator	1st ballot	2d do.	3d do.	4th do.
Worthington	31	36	38	39
W. A. Trimble.....	25	29	34	46
Hann	19	22	18	4
Lucas	16	3	1	

Senator Trimble was born in Kentucky in 1786. He was a soldier in the War of 1812, and won distinction, although he never attained high military rank. He served less than three years in the United States Senate, a highly promising career closing with his death in Washington, December 13, 1821.

Several measures to establish new counties were defeated during the session, and only two were organized—Shelby and Meigs. "Letart" County was the name originally intended for the latter, and it was not until the last action on the bill that the name was changed to Meigs.

New roads were authorized, a large proportion of them leading to Columbus. Very few had been previously built to that point, but it was now felt that access to the capital ought to be made as convenient as possible. A number of new turnpikes and toll bridges were also incorporated.

Another attempt was made to stop the opening of places where liquors were retailed. There seemed to be no idea that taverns ought to be prohibited from selling stimulants to relieve the fatigue of travel, but it was the intention that none but taverns should handle them. The problem was to abolish the houses which pretended to be taverns, but were really only saloons. A building, therefore, which did not contain at least four beds and three fire places, and have a barn attached which did not have at least six stalls, was, under the law passed at this session, not a tavern and therefore ineligible to a tavern license and the right to sell liquor. Also, there was repetition of former enactments as to penalties for permitting drunkenness and rioting on the premises.

This act was passed not only on the suggestion of Governor Worthington but also because of a public uprising against the growing curse of heavy drinking. The newspapers of the day were a unit in demanding

that excessive drinking be curbed. The same situation was common in other states. "It is said," reported an Ohio editor, "that in the city of New York there are no less than seventeen hundred licensed taverns—one to every fourteen dwelling houses. *Quere,* How many paupers are they the means of producing?"

The enlargement of the penitentiary was now finished, and an appropriation was made to defray the cost. A public statement of the prison population was made, as of August 19, 1818—three years after the first convict had been received there. It was regarded by at least one editor as indicating a frightful state of crime that 137 felons had been committed within three years. But it is surprising that there were so few, for the newspapers frequently contained accounts of murders, robberies, counterfeiting and other serious crimes. A comparison with the criminal record of a hundred years later is interesting. The population of Ohio, by the census of 1820, was 581,434; by that of 1920 it was 5,759,368—an increase of nearly 1,000 per cent. The population of the penitentiary August 19, 1818, as shown by the statement referred to, was seventy; on August 19, 1918, it was 1,944, an increase of almost 2,800 per cent. In other words, the number of convicted criminals increased during the century almost three times as fast as did the number of people in the state. This comparison is fair, for the additions for violation of the modern dry laws had not commenced in 1918.

The statement from the penitentiary was official, and was as follows, in part:

"There have been in the prison since the commencement (August 18, 1815) 137 convicts. four of whom were females. Seven were persons of colour. Of the whole number, 38 have been pardoned by the governor, 21 have served their terms out, and one died. At this time there are in confinement 70.

"The penitentiary is one of the largest and, we believe, as well calculated for convenience and strength, as any in the United States—and the government thereof as well administered."

The prisoners were classified by occupation as blacksmiths, nailers, shoemakers, carpenters, cooks, and "of no particular trade." They included only one woman.

"An Act to punish kidnapping," passed January 25, 1819, was intended to punish the carrying into slavery of three negroes resident of the state. The practice of seizing and carrying away such persons under some flimsy pretext had become so common as to require effective legislation for its suppression.

The slavery question in some form was continually claiming public attention. About this time there was great excitement over reports of an exodus of free negroes from the slave states into Ohio. An editorial in the Hillsboro Gazette, quoted with approval by the Chillicothe Supporter of June 16, 1819, contains the following statement expressive of the popular current opinion:

"Much as we commiserate the situation of those who, when emancipated, are obliged to leave their country or again be enslaved, we trust our constitution and laws are not so utterly defective as to suffer us to be overrun by such a wretched population."

Evidence is not wanting that slave holders south of the Ohio River viewed with much satisfaction the disturbed state of mind with which Ohioans contemplated the situation.

The calling of a convention to revise the state constitution, which had been so much discussed at the preceding session of the general assembly and which had been laid over to the present one, was taken up early. On December 25 a joint resolution was adopted (two-thirds of both houses concurring) calling for a vote by the people at the election of the following October to determine whether or not such a convention should be held. All through the ensuing months the question was given much attention in the press. As before, no particular objection

seemed to be advanced except the fear that a new constitution might be so framed that it would permit slavery in Ohio. Although this was ridiculed by those who advocated revision as preposterous and impossible, it seems to have been effective, for, in the face of the unanimous opinion that the constitution should be revised in some of its features, the vote of the people against it was very decisive. Those favorable to holding the convention numbered only 6,987, while those opposed to it cast 29,315 votes.

Economic and financial distress of the people of the state, which had been growing for two or three years, now became very acute. The indiscriminate issue of bank notes by irresponsible financial institutions, excessive speculations of all kinds, the tremendous increase in population, the great volume of purchases of foreign goods, the apparent willingness of everybody to contract debt, followed by troubles in banking houses and the inevitable depreciation of all money save gold and silver (which was very scarce), together with the suspension of payments by very many banks, brought on a deplorable condition. It existed not only in Ohio but in all other parts of the country. The newspapers described the desperate state of all classes in the large eastern cities. A public meeting was held at Frankfort, Kentucky, to consider what ought to be done in that state, and taking this as a text the Supporter of May 26 printed a description of the distress in the commonwealth across the river and elsewhere. "We extract from the report of this meeting," said the editor, "to evidence the extent of suffering to which the trading part of the community are reduced in that state. Although the pressure of the times is felt in Ohio to such an extent as to paralyze enterprise of every kind, we have not arrived at that point of ruin and devastation to which the citizens of some of our neighboring states are exposed, where, it appears, property has been sacrificed for one-seventh of its real value. Probably similar scenes would be enacted here, had we not a law of the state which secures the debtor two-thirds of the appraised value of the property."

And another paper, in June, reported: "We hear of the shutting up of several large manufacturing establishments. It is probable that during the present summer not less than 15,000 persons in Ohio, and it may be many more, who subsisted by employment in those establishments, in addition to the great numbers already discharged, will be thrown from the productive into the consuming classes of the people."[1]

Attempts to remedy these evil conditions were not wanting in the assembly and elsewhere. The belief that the great influx of foreign goods was in large part responsible, led to the passage of an act imposing heavy taxes upon vendors of merchandise not produced in the United States. Another law, popularly known as one to prevent brokerage, made it unlawful in the state to purchase bank notes at less than their par value, or to receive them in barter at a discount, with a penalty as high as a $500 fine for its violation. Under the act any person who had parted with bank notes at less than par could recover the difference by bringing suit. The Cincinnati Gazette seemed to think that this law would go a long way toward easing the financial situation:

"A considerable, indeed nearly the whole of the embarrassments have been occasioned by our country friends being in the habit of disposing of every dollar or half dollar or eastern note to a broker and then buying or paying for their purchase in bank paper which they received at a depreciation from those brokers. This traffic, so injurious to the country universally, and so totally unnecessary in any shape whatever, will now generally cease under this law."

Gen. William Henry Harrison had some definite opinions on the subject which he succeeded in impressing on the assembly of the following year, of which he became a member. He considered the trouble

[1]Quoted from the Supporter of June 30, 1819.

could be corrected by the general government placing heavy tariff duties on imported goods, by its paying its obligations no more rapidly than was absolutely necessary to preserve its credit, by spending the surplus in the treasury in making the most extensive internal improvements—roads and canals—and in the support and encouragements of domestic manufactures. He also proposed that the general assembly of Ohio pass a law exempting factory buildings from taxation, and relieving employes in them from military service and from laboring on the roads.

An historic event of unusual importance was the building and dedication of the first Roman Catholic Church in the state. The account of this appeared in the newspapers early in January, 1819: "The Church of St. Joseph, the first Roman Catholic church erected in the state, was opened and solemnly dedicated to Almighty God under the patronage of St. Joseph, on Sunday, the 6th of December ultimo. The divine mysteries were celebrated with deep solemnity by the Reverend Nicholas D. Young, and a pathetic and appropriate discourse was pronounced to a numerous audience by Reverend Edward Fenwick. This church is situated two and one-half miles southeast of Somerset, Perry county, Ohio, on high and pleasant ground, commanding a fine prospect of the surrounding country."

The event which was of the highest interest to the people of Ohio in this year of 1819 was the passage of the law taxing the branches of the Bank of the United States, with the attendant results of that act. Most of those members of the general assembly who at the preceding session had opposed the enactment of this law had been retired to private life in the vote of 1818, and there seems to be no doubt that this effect had been produced by the active political influence of the state banks. Before the election the newspapers had contained statements made by candidates for the Legislature outlining their positions on the issue, and it is noted that practically all who declared against the tax were defeated at the polls. The editors themselves were non-committal, and their news columns were silent as to what was going on under the surface.

Both sides to the controversy were active. There was a great ado because Joseph Kerr, one of the successful candidates in Ross County, and who was a leader against the United States banks, had found it impossible to reach Columbus when the session began because he had been imprisoned for debt. It is easy to suspect that there was a political animus in thus embarrassing him, from all the remarks made by his adherents in an attempt to make a martyr of him, but a resolution was lost by a tie vote—40 to 40—declaring that his detention was illegal under the constitutional privilege of freedom from arrest as a member of the assembly.

The tax bill, which bore date of February 18, 1819, was passed by a vote of 63 to 3 in the House and by a correspondingly large majority in the Senate. It was understood to have been drawn by the ablest and shrewdest lawyers to be procured—to make it invulnerable. Charles Hammond, a member from Belmont County, who had been the most conspicuous man in his opposition to the bank, was the manager of the bill, as he was the central figure in all the proceedings which followed its passage. The battle was between the incorporated state banks and all others, including not only the United States Bank branches but also the private, unincorporated financial institutions. The title of the bill was therefore made to embrace them all: "An act to levy and collect a tax from all banks and individuals, and companies and associations of individuals that may transact banking business in this state without being authorized to do so by the laws thereof."

The preamble, which was intended to justify what was afterward authoritatively pronounced an act of lawlessness and defiance against the United States, was as follows:

"Whereas, the president and directors of the Bank of the United

States have established two offices of discount and deposit in this state, at which they transact banking business by loaning money and issuing bills in violation of the laws of this state; and, whereas, divers companies and associations of individuals within the state, unauthorized by law, continue in like manner to do business as bankers and banks by loaning money and issuing bills, and by trading in notes and bills; and, whereas, it is just and necessary that such unlawful banking, while continued, should be subject to the payment of a tax for the support of the government: Therefore—"

The section levying the tax was in these words:

"The Bank of the United States shall pay a tax of fifty thousand dollars per annum upon each office of discount and deposit at which they may commence or continue to transact banking business, within this state, and each and every individual, company or association that shall commence or continue to transact banking business, as aforesaid, shall pay an annual tax of ten thousand dollars, to be assessed and collected in both cases as herein provided."

The law charged the state auditor with the duty of executing it. It was his duty, on September 15 of each year, to charge on his books the prescribed amounts against the banks, and to place in the hands of any man whom he might designate a warrant for collection. Such man should make demand for payment, "and if payment be not made such person shall immediately make a levy upon any money, bank notes or other goods and chattels of the bank, or so much thereof as may be sufficient to satisfy the amount for which the warrant is issued, and the money or bank notes so taken shall be returned, and the goods and chattels shall be advertised and sold, in the same manner as if taken by a sheriff or other officer, on a writ of *fieri facias*."

To make more certain that the money would surely be found, the agent of the auditor was empowered in case he did not find it in the main banking room, to "go into each and any room or vault of such banking house, and every closet, chest, box or drawer in such banking house, to open and search." And if after all this he could not find what he sought, he could summon into common pleas court all the officers of the bank and every person suspected of owing it any money. The bank was prohibited from receiving any money after the proceedings were begun. The act was certainly comprehensive in detail.

Maryland had previously enacted a similar law, and, during the summer following, the United States Supreme Court, in a decision written by Chief Justice Marshall, had declared it unconstitutional. This opinion was reproduced in Ohio papers—full two pages of it in small type—but this fact did not deter the state auditor from proceeding with his collection under the Ohio law. In all the events attendant upon this remarkable and sensational act there seems to have been no activity to collect the $10,000 tax from the small unchartered banks—the sole enforcement was against the United States branch banks. As before stated, there were two of these, located respectively at Chillicothe and Cincinnati. The auditor's action was against the Chillicothe branch only, but his object was to secure the aggregate amount imposed on both—$100,000. The attorneys for the branches attempted to forestall him by securing an order of the United States District Court, located at Chillicothe, enjoining him from making the collection. The Supporter, in its issue of September 22, described in detail just what happened:

"By virtue of a warrant issued by the auditor of the state, aggreeably to the provisions of the law, Mr. John L. Harper (to whom the warrant was directed) accompanied by Mr. T. Orr and Mr. J. McCallister, entered the Branch Bank of the United States at this place on Friday last and levied on the specie and bank paper in that institution to the amount of one hundred thousand dollars, which is the tax assessed on the offices of discount and deposit of the Bank of the United States in this state.

"As this action may receive from rumor a coloring, and from prejudice a misunderstanding, a brief statement of the facts may be useful in allaying any improper feelings which may have been excited. The auditor of state, feeling himself bound by the law of the state to execute the duty imposed upon him, made known his determination to one or two individuals; subsequent to this he received a citation to appear before the Circuit Court on Tuesday, the 14th inst., as at that time a motion would be made by the Bank of the United States to enjoin his proceedings under the law of the state. This citation was enclosed by him to a gentleman of the bar, with the request to him to appear for the state if he should deem it correct. On Tuesday the petition of the Bank of the United States was heard by the counsel and solicitors for that institution; the state refused to appear, denying the jurisdiction of the court. The court after a short deliberation allowed the injunction, in bonds, with security to the amount of $100,000 being given by the bank. This was entered into.

"In the meantime, or rather, previous to the application in court for an injunction, the auditor had been instructed by his counsel to charge the tax and issue his warrant, and deliver it to the officer unless he should be restrained by the injunction. On Tuesday afternoon the agent of the bank started to Columbus to stay the proceedings of the auditor—but unfortunately for the bank and the whole community, the counsel had forgotten to have a writ of injunction issued to stay the proceedings. The papers served on the auditor were a copy of the petition and a subpoena to appear before the Circuit Court of the United States on the first Monday of January next, at Chillicothe. Previous to the service of these papers the auditor had charged the tax and made out his warrant. On the service of these papers he enclosed them, together with the warrant, to the secretary of state, then in Chillicothe—requesting him to obtain the written opinion of four or five lawyers on the subject whether these papers amounted to a notice of injunction, or operated as an injunction—if they did, to reenclose to him the warrant and the papers, as he could not act in contradiction to that authority—but, if in the opinion of these lawyers it did not amount to an injunction, then he was to deliver the warrant to the proper agent, and order him to proceed.

"On consultation and mature deliberation the lawyers unanimously gave their opinion that the papers amounted to nothing like a bill of injunction, and that he could not be in contempt for acting in contradiction to them. The warrant was then delivered to the officer, with instructions to enter the banking house, demand the payment of the tax, show his warrant, and on refusal to pay, to enter the vault and levy on specie and notes to the amount of the tax—to use no violence himself, and if opposed by force to proceed until expelled from the banking house; and then to complain before a proper authority of the resistance offered. The officer entered, made the demand, showed his warrant, secured the entrance to the vault, and on refusal to pay, entered the vault himself and levied on the amount of the tax, with a small overplus to correct any mistake which might have been made in counting, which overplus he has offered to refund, but he has been refused admittance to the banking house; he used no force or violence, but conducted himself in an orderly but determined manner. The money has since been conveyed to Columbus to deliver to the auditor."

The Supporter made no comment upon this unusual news story. In fact, it specifically stated that it would make none, and the same policy was pursued by the other papers of the state. But within a few weeks the officers of the bank stated the facts to the United States Court, and the next act was the arrest of the men who had taken the money. The news of it was published October 20:

"John L. Harper and Thomas Orr were taken into custody by the United States marshal on October 17, on a capias issued by the U. S. Cir-

cuit Court for a trespass, *vi et armis,* in taking the tax out of the banking house. Bail was required of them to the amount $240,850 each; but they, not willing to involve their friends in trouble, refused giving any. They were then taken to the prison in this place, where they are now in close confinement. We are informed that a writ was also issued against Ralph Osborn, auditor of the state, which was probably executed yesterday."

In taking the money from the bank Harper had made sure of getting enough. He had carried away $120,355. The "small overplus to correct any mistake which might have been made in counting" amounted to more than one-fifth of the sum he was instructed to secure. This was eventually returned to the bank, but the $100,000 was deposited in the state treasury, less 2 per cent allowed Harper for making the collection.

The immediate sequel to this story of long ago followed at the next two sessions of the general assembly, and it was amazing enough. But "finis" was not written until four years later.

Eighteenth Legislative Session

December 6, 1819, to February 26, 1820

The Senate elected Allen Trimble speaker, and the House again honored Joseph Richardson by making him its presiding officer.

Speaker Trimble was one of the younger members of the Senate. He lived at Hillsboro, represented Highland and Fayette counties in the upper house, had been in the lower house in 1816-17 and a senator two years prior to his election as speaker. He was one of the very prominent men of the state for many years—presiding officer of the Senate until 1826 (acting governor during 1821 and 1822), governor from 1826 to 1830 and afterwards (1846) the first president of the State Board of Agriculture. He lived a long and useful life, which ended at the age of eighty-seven years, in 1870.

Governor Brown sent his annual message to the general assembly immediately after it convened. He was an enemy of the branches of the United States Bank and charged the financial situation, which had grown still more depressing, upon the operations of those institutions as well as upon the injudicious use of credits by the incorporated state banks. Several of these had been compelled to close their doors, and the number of them was now reduced to twenty-two.

Secretary of State Jeremiah McLene, who had now become a citizen of Columbus, was again reelected to his office. The forced resignation of State Treasurer Hiram Mirach Curry, late in the session, made it necessary to appoint a successor, and Samuel Sullivan, of Zanesville, was chosen. The bond of the treasurer was increased from $50,000 to $150,000, doubtless as a result of Curry's defalcation elsewhere described.

The quadrennial enumeration of voters (free white males of twenty-one) was reported to the Legislature as 98,780. This made necessary a new apportionment of members of the general assembly, increased the number of senators from twenty-nine to thirty-three, and of representatives from sixty-two to sixty-nine.

Union County was erected and organized. The great territory in the northwest, which had been secured by the treaties with the Indians, was divided into fourteen counties. These were designated by names at this session of the general assembly, but with two exceptions (Wood and Sandusky) they were not organized, and they do not appear in the list of counties for the year 1820. They were: Allen, Crawford, Hancock, Hardin, Henry, Mercer, Marion, Paulding, Putnam, Seneca, Van Wert and Williams. For purposes of local government Crawford and Marion were attached to Delaware County; Hardin to Logan; Allen to Shelby; Van Wert and Mercer to Darke; and

Henry, Paulding, Putnam, Williams and Seneca to Sandusky, until all should be organized by election of their own officers.

An attempt was made by interested residents to secure erection of another county, to be called "Stillwater" and to be taken from the territory of Guernsey, Belmont, Harrison and Tuscarawas counties, but although the bill passed the Senate it was rejected in the House, and the effort was never resumed.

After long consideration and debate the general assembly enacted a law which, for the first time, crystallized in definite form the project of building the canal connecting Lake Erie and the Ohio River. A resolution was first adopted asking Governor Brown to present his views as to what ought to be done. His report laid the foundation of the act. It recommended that one of three proposed routes be selected, viz: (1) Through Northeastern Ohio and into Pennsylvania; (2) through the Miami country in the western part of the state; and (3) along the eastern bank of the Scioto River. He recommended a thorough inquiry into the practicability and the cost of each, and thought a transverse canal would also be advisable—running from Greenville eastward to Zanesville—fed by the waters of the Miami, Scioto and Licking rivers. He believed that three million dollars would be a perfectly safe estimate of the cost, and proposed a means of raising the amount without using any of the state funds. His plan was to secure from the United States Government a grant of about 4,000,000 acres of the newly released Indian lands, along the route of the Miami Canal if that should be adopted, to be paid for later by the state, at a price of $1 per acre, but not to be offered for resale until after the completion of the canal, at which time by the most moderate calculation, he thought, the value of them would have increased so that they would sell at $3 an acre. This would leave a profit far greater than enough to pay for the canal. The money for its construction could, in his opinion, be borrowed as needed on the credit of the state's control of the lands assigned by the general government. This plan would not require any tax on the people; it was a grand "promotion" scheme without the need of any capital. Its success would depend upon the state's ability to secure the land grant from the government.

The assembly, under date of February 23, 1820, passed the law embodying Governor Brown's plan, the route to be through the Miami country, but "making Columbus a point on the canal as near as practicable," and requiring Ohio's congressmen to secure the grant of land from the government, if possible. This was the first law enacted upon this project, which had held the earnest attention of the law makers, the press and the people for some years, and which was regarded as perhaps the most important factor in the progress of the state. Although it did not secure its object immediately, it led to the beginning of the construction of the canal five years later, under the encouragement of the government, which donated outright 1,100,351 acres of land to assure its success.

Another matter which had now begun to assume importance was the establishment of the boundary line between Ohio and Michigan. During the occupancy by the Indians of the lands involved, it had not been of so much concern, but a controversy now arose between this state and the Territory of Michigan by reason of the fact that the governor of Michigan was assuming to exercise authority over a large territory which Ohio regarded as being within her own domain. A committee of the assembly, appointed for the purpose, made an investigation and submitted a long report. It explained that the difference of opinion arose from a geographical error. In the first description of the boundary line the southern extremity of Lake Michigan had been assumed to be on a line directly west of the northern cape of "Miami Bay" in Lake Erie; but by correct surveys it had been found that it was a considerable distance south of that line. The Ohio congressmen were requested by

the general assembly to refer the dispute to the general government and have the boundary established by national authority. This was an incident in a controversy between Ohio and Michigan which was to continue in the most acrimonious manner for sixteen years thereafter.

Some statistics of the year 1820 are of unusual interest because they visualize the great growth of the State of Ohio, then only eighteen years old, through the preceding ten years. During this year the second decennial federal census of Ohio was taken. It showed a total population of 581,295, which was a larger number than even the most optimistic estimates had forecast a few years before. It was an increase in ten years of 349,545—more than 150 per cent. The total of land valuation for taxation purposes was now $28,570,147, which was an increase of $17,714,147 over that of 1810—more than 160 per cent.

Whereas there were but thirty-six counties ten years before, there were now fifty-nine, exclusive of those twelve, erected but not yet organized, in the old Indian country. The number of people residing in the several counties was as follows:

Adams County	10,406	Licking	11,861
Ashtabula	7,375	Logan	3,181
Athens	6,338	Madison	4,799
Belmont	20,329	Medina	3,082
Brown	13,356	Meigs	4,480
Butler	21,746	Miami	8,851
Champaign	8,479	Monroe	4,645
Clark	9,533	Montgomery	15,999
Clermont	15,820	Morgan	5,297
Clinton	8,085	Muskingum	17,824
Columbiana	22,033	Perry	8,429
Coshocton	7,086	Pickaway	13,149
Cuyahoga	6,328	Pike	4,253
Darke	3,717	Portage	10,195
Delaware	7,639	Preble	10,237
Fairfield	16,633	Richland	9,169
Fayette	6,316	Ross	20,619
Franklin	10,172	Sandusky	852
Gallia	7,098	Scioto	5,750
Geauga	7,791	Shelby	2,106
Greene	10,521	Stark	12,406
Guernsey	9,292	Trumbull	15,542
Hamilton	31,764	Tuscarawas	8,328
Harrison	14,345	Union	1,996
Highland	12,308	Warren	17,837
Hocking	2,130	Washington	10,425
Huron	6,675	Wayne	11,933
Jackson	3,746	Wood	733
Jefferson	18,631		
Knox	8,326	Total	581,295
Lawrence	3,499		

Study of these figures reveals that Hamilton County had thus early taken the lead, which she easily maintained until outstripped by Cuyahoga early in the twentieth century. Columbiana, second in population in 1820; Butler, third; Ross, fourth; Belmont, fifth; Jefferson, sixth; Warren, seventh; Muskingum, eighth; and Fairfield, ninth—all have fallen far below those ranks. Lucas, containing Toledo, was not yet listed in the census, and would not be for twenty years. Exclusive of Hamilton County, Montgomery, of which Dayton is the county seat, is the only one of the first ten which has since taken high rank in population.

Land values in 1820 form another item worthy of comparisons with

the present day. Many advertisements in the old newspapers of that year furnish us exact information upon this subject. In some sections of the state land was offered at prices not more than one-hundredth of their present values. Some of the offerings were: 4,000 acres ten miles northwest of Delaware at $3 per acre; 1,000 acres nine miles northeast of the same town, at $4 per acre; 2,400 acres six to ten miles east of Columbus, at $3 to $5; 550 acres two miles west of London, at $9; 160 acres two miles south of Lancaster, at $11. By far the highest price noted was $60 per acre for 640 acres adjoining—now included in—the town of Circleville. All these lands were taxed at $1.50 per 100 acres. Poorer lands were taxed as low as 50 cents per 100 acres. And the burden of taxation was regarded by our forefathers as almost too heavy to be borne!

The financial depression and consequent distress among the people grew apace. State bank notes constantly decreased in value. One of the best of the state financial institutions was the Miami Exporting Company, but at a public auction of $1,000 of its money issues, at Chillicothe, as reported by the Supporter of March 22, 1820, prices for it ranged as low as 71 cents on the dollar. Reports copied in Ohio papers of prices of farm products in eastern cities stated that good butter was reduced to 6¼ cents per pound, and veal to 3 or 4 cents per pound. Also, from the same eastern sources, that payments over due to the government for sales of western lands (largely in Ohio) were $20,000,000—the purchasers found it impossible to meet their obligations in that regard. The Cincinnati Cadet of March 22, 1820, contained a copy of a letter from a commission house in New Orleans stating that sales of country produce shipped down the river generally could not be made at any price; receipts from their sale would not pay the freights and commissions. People were frequently warned by the papers to be on their guard against counterfeits. Even notes of the United States Bank were illegally duplicated and passed.[2] At a meeting of citizens of Pittsburgh gentlemen who had made an investigation reported that in 1815, 1,960 manufacturing hands had been employed there, but this number had been reduced to 672 in 1819; and that the articles manufactured in 1815 had had a value of $2,617,833, whereas in 1819 the total products of the factories were worth only $832,600. These and many other facts were published and they throw a vivid light on the conditions of that day. The newspaper editors, most of whom were doubtless operating on small capital, felt the stress keenly. They appealed in pathetic tones for payments of subscriptions. One of them, who was responsible for the publication of the Gazette at Hamilton, published this at the top of his editorial column:

"Owing to the pressure of the times and the impossibility of obtaining money, we shall be compelled to issue the Gazette only every other week. If our subscribers (for we cannot call them PATRONS) would furnish us with only one-third of what they are indebted we would be enabled to continue the present size and publish weekly."

Farmers formed a very great majority of the inhabitants, and they felt the blight to a far greater extent than any other class. Probably the item most illuminating as to conditions among them was a letter which appeared in the Supporter of July 5, 1820, signed "A Ross County Farmer." The writer put into it a homely touch of philosophy, and it must have made a wide appeal, for it was very generally copied in other journals.

"Brother Farmers:—I take the liberty of saying a few things to you about the hard times. Now-a-days when we meet one another we have nothing to say but to repeat the old complaint of hard times. When we have got through with the fatiguing labors of the day, and sit down

[2]Supporter, June 28, 1820.

with our wives and children about us in the evening, instead of calculating our gains and cheering our boys and girls by promising Bill and Bob a hat, and Molly and Katey a new dress after harvest and sale of our crops, we have only to amuse ourselves and them with the story of hard times. If we go to town, although we are invited to try a little corn as usual, and meet with the same feeling enquiries from our friends, the store keepers, as formerly, about our 'concerns at home'; before we leave their store we are sure to be winked aside and called on for 'a small balance of some time standing which ought to be paid.'

"Well, it is true the times are hard enough. Two or three years ago we could get a dollar a bushel for our wheat, and for our pork and beef four or five dollars per hundred. Then our farms were worth something, and we could always, by some means or other, raise a little money to meet 'a balance of some time standing which ought to be paid.' Now we can get little or nothing for our wheat, our pork and our cattle. And as for our farms, we could hardly give them away. In fact, it is so difficult to get money that all 'balances,' whether for or against us, bid fair to remain 'outstanding' for a long time yet to come."

He complains about the money of "a host of swindling institutions throughout our state that has been shoved on to us by the merchants, contractors for the general government, and almost all the officers and agents who have money to pay out for the government."

"The general government, if I have been rightly informed, have nothing to do with the depreciated paper that has been among us, but pay into the hands of their agents and contractors, specie or that that is as good. Yet these contractors and agents have been and sold the good money for a great premium, as it is called, and with the bad money they have purchased up our flour, pork and whisky. This bad money we, who are not always able to know how the world is going, have received of them and the merchants who have bought produce at par. But when we go to settle our 'outstanding balances' or purchase an article at their stores, our money is worth little or nothing. They can take it only at twenty-five, thirty or forty per cent discount. 'We can do no better,' they say. If we tell them they ask too high a price for their goods, the answer is 'the money in the country is bad, we are obliged to charge high,' and yet when we pay them down on the nail, we are shaved from twenty-five to fifty per cent on the dollar. In this way the enormous depreciation in one or two million dollars of paper trash put afloat by numerous chartered swindling institutions called banks in Ohio, has fallen upon us farmers.

"The truth is, we farmers have been and still are in the way of buying too much tea, too much coffee, too much foreign cloth, too much foreign finery at the stores—and of drinking too much corn both at home and when we are from home. There are a great many farmers as well as others in our country who are becoming, as one might say, habitual drunkards, and who are in a fair way of destroying themselves, wasting their property, and leaving their families as poor and naked as when they came into the world."

The editors of many newspapers of the state "pointed with pride" to an event which occurred at this time. The finest ship of the United States Navy, a "74," so designated because it carried seventy-four guns, was launched at the Navy Yard, opposite New York City on the Long Island shore. The ship was christened The Ohio. The account is copied from an eastern paper in the Supporter of June 14, 1820. "The Ohio," declares the writer, "is considered by competent judges to be superior to any vessel of her class. Her dimensions are stated to be one hundred and thirty-six feet in length, and [she is] of twenty-five hundred tons burthen. * * * It is supposed that one hundred thousand persons witnessed the interesting sight of her launching." It was emphasized in the report that the figure-head of the ship was "a

Hercules in a Lion's Skin." A long article, copied from an Albany (N. Y.) paper, described the trip of a party of ladies and gentlemen of the city to attend the launching. They made the trip in a steamboat, a distance of 320 miles down and back, with a three hours' stay in New York, in the unheard-of time of only two days!

"A friend of the Navy" wrote a letter to the Salem (Mass.) Gazette, which was copied in the Ohio newspapers. In this he essayed a rather novel definition of the name of our state. "As one of the finest ships of our navy," said he, "bears the name 'Ohio,' it may be gratifying to some of our gallant officers to know the definition of the word." He then described the terrible wars between the early Indians on the Ohio River and explained that "owing to the immense slaughter so repeatedly made, they gave it the name of Ohio, which signifies the War River, or as some of the chiefs explain it the Bloody River; the others the Stream of War. This is the tradition handed down by the chiefs to the first settlers, and is as given by them; and if correct The Ohio bears the only warlike name of any ship in the navy."

Conditions in the state were now rapidly changing. The formative period had about come to an end. Purely pioneering days were disappearing. A population of 581,295 people placed Ohio fifth in the ranks of the twenty-seven states of which the Union was now composed. She was surpassed only by New York (1,372,812), Virginia (1,065,366), Pennsylvania (1,049,458), and North Carolina (638,829). Interests which had been peculiar to backwoodsmen were now being superseded by those of a more advanced state of society. Nevertheless, the newspapers still occasionally contained news matter which would have fitted well in the pictures ten or fifteen years before. One of these was the following in the Chillicothe Supporter of June 21 (1820), announcing a "hunt" in Ross County, one of the oldest and most thickly settled in the state:

"Wolf and Deer Hunt.—A grand hunt will take place on Thursday next, at nine o'clock, on the headwaters of Indian and Crooked creeks; to comprise an area of six miles square. Those who are disposed to join in the hunt from this town and its vicinity will rendezvous at James Stinson's Tavern, over Paint Creek, well armed with shooting irons, horns, drums, timbrels, &c. As the whole safety as well as pleasure of the hunt will depend upon a strict adherence to discipline, every person arriving at Stinson's will report himself to an officer, under whose orders he will subject himself during the day.

"N. B. Dogs, upon no account whatever, will be admitted upon the grounds."

Another item of a similar nature appeared in the Gazette, of Hamilton, September 26. "Eighteen married gentlemen of this place killed and brought in the scalps of twelve hundred and three squirrels in one day. Notwithstanding this large number killed there appears to be no scarcity of these animals."

Some of the other less important news items are interesting: The first appropriation was made for the addition of more books to the new state library; it was for $1,000 which was to be expended under direction of the governor.—The question of abolishing imprisonment for debt was pressing, but the general assembly rejected a bill introduced to accomplish that purpose.—A medical college was established in Cincinnati, as was also a college for general higher education, and both met with gratifying encouragement.—The commissioners laying out the route of the National Road were very active, and notes were made of their arrival at Columbus, and later at Dayton.—A new stage coach line was established between Cincinnati and Chillicothe, going by way of Lebanon, making one round trip per week.—Considerable excitement was created by an alleged discovery of silver in Indiana, but the experts at Cincinnati quieted it by analyzing the metal and finding it nothing more precious than sulphuret of lead, which put an end to a

company organizing for its exploitation.—The deepest snow ever known in the country occurred December 2.—The state militia this year numbered 75,890, and there were 647 pensioners of the United States Government in Ohio.—The largest mileage of new roads ever authorized in one year was ordered by the Legislature.—"Mr. Ewing, of Lancaster," was engaged by the House of Representatives to prosecute its case in an impeachment trial of George Brown, associate judge of Columbiana County. This was the first mention in the press of the famous Thomas Ewing, then a young man, but later one of the great figures in Ohio's history.

The storm over the United States bank situation in Ohio still rumbled, but had somewhat quieted down in 1820, only to break forth with renewed fury in the assembly session of 1820-21. It was heard during the 1819-20 sitting chiefly in a measure submitted by the general assembly of Pennsylvania asking the endorsement by Ohio of a resolution proposing an amendment to the constitution of the United States upon the subject. Its tenor was that Congress should not be permitted to make a law establishing a bank except for operation within the District of Columbia alone—there should be no branches in any state. Upon this proposal there were long and sometimes brilliant debates in the Ohio assembly. Gen. William Henry Harrison, who was conspicuous as a member of the Senate, made a speech which filled six closely printed columns in the newspapers. His position was that the law establishing the branches was unconstitutional, but that the Ohio law for the collection of the tax was unprecedented in the history of jurisprudence—an unknown stretch of power; and that no such proceedings as had been taken by the state auditor under it had been sanctioned by law anywhere. There was much said in support of the tax law, and the newspapers published many pages covering the addresses on the subject.

The state auditor made a full report to the general assembly of his collection of the $100,000 tax during the preceding September. His agents, Harper and Orr, were still in prison for their part in the affair, but were released on January 4, 1820, by the United States Court, for a technical reason only—that the United States marshal had not himself made the arrest, but merely had given a memorandum to an unofficial special bailiff to make it. A rule was asked for that the United States Court hold Auditor Osborn in contempt for having ordered his agents to carry out the tax law by going to the bank and taking the money. He was held in contempt, and seemed in a fair way to be sent to prison. Whereupon the Cincinnati Gazette (October 25, 1820), which was rabid against the bank branches, broke forth:

"It is a subject at this time peculiarly interesting to the citizens of this state, and will form the most important topic that will come before the general assembly at their approaching session. The legislature will have to determine whether they will permit their auditor to suffer imprisonment for the faithful discharge of his official duties; for carrying into force a law of their own enacting; or in other words, whether they are prepared to surrender the sovereignty of the state to the tribunals of the general government."

Meanwhile, at the instance of the bank branches, an injunction was issued by the United States Court against collection of the tax in September of this year, and the matter awaited the next development, which came early in the 1820-21 session of the assembly.

Nineteenth Legislative Session

December 7, 1820, to February 3, 1821

The same men who had presided during the preceding session of the general assembly were continued in their respective chairs—Allen Trimble in the Senate and Joseph Richardson in the House of Representatives.

The burden of Governor Brown's message was upon the embarrassed condition of the treasury, caused by the depreciated value of much of the currency there. He stated that from $16,000 to $18,000 of the bank notes in the state vault was practically worthless.

Canvass of the October vote for governor showed the following result: Ethan Allen Brown received 34,836 votes; Jeremiah Morrow, 9,426, and William Henry Harrison, 4,348. Harrison had received this number of votes notwithstanding it had been widely published that he was not a candidate.

Congressmen announced as elected were: Thomas R. Ross, John W. Campbell, Levi Barber, John C. Wright, Joseph Vance and John Sloane. Practically all of these were reelections.

Benjamin Ruggles, of Trumbull County, was returned to the United States Senate, and Ralph Osborn was continued as state auditor.

This session saw the culmination of the war by the assembly on the United States branch banks. The special committee which had the matter in charge, of which General Harrison was chairman, made a report that in its opinion the general government had no right to interfere, by arresting Auditor Osborn and his agents, with the execution of the state laws requiring them to take $100,000 taxed against the banks, and it recommended that under the circumstances the state refuse the bank all protection of its laws. Upon this the assembly passed a law which completely outlawed the bank. It was of date January 29, 1821, and bore the perfectly frank title of "An act to withdraw from the Bank of the United States the protection and aid of the laws of this state, in certain cases."

This law went to the utmost possible limit in its opposition to the bank. It made it unlawful, with a penalty of $200 fine, for any sheriff or keeper of a jail in the state to receive as a prisoner any person taken into custody in a suit or action of the bank on any charge whatever. It made it unlawful, under a penalty of $500 fine, for any judge or justice of the peace to receive acknowledgment of any deed of conveyance of any kind in which the bank was a party. It made it unlawful, with a fine of $500, for any county recorder to receive into his office or to record any such deed; and no notary public could lawfully make a protest of any promissory note or bill of exchange made in favor of the bank, under penalty of removal from office.

But the act left a loop-hole for the bank—a means by which these drastic provisions might be avoided by it. Section five of the law allowed it, if and when it had actually discontinued the suits against the state officers who had applied the tax law, to notify the governor of that fact; also that it could do the same when it was willing to submit to the law taxing it 4 per cent on its dividends; or that, having discontinued the suits, it would withdraw from the state. It provided further that when the governor should receive such notification from the bank he was to issue his proclamation that the law would be suspended and cease to have effect.

This permission was accepted by the bank, and the warfare ceased so far as activities in the state itself were concerned, but the whole question was carried to the Supreme Court of the United States. A great legal battle was fought there. The attorneys for the bank included the famous Henry Clay, Daniel Webster and John Sargent, as well as Attorney-General William Wirt; and Ohio was represented by Charles Hammond and John C. Wright. The hearing came on in the February term, 1824. The main question was whether the bank was exempt from the taxing power of the state. The opinion of the court was delivered by the chief justice, John Marshall, and it was against the state on all points. The officers refunded $90,000 of the $100,000 taken by Osborn's agents. Thus ended the most spectacular gesture of the State of Ohio in its early days.

In his annual message, Governor Brown had strongly recommended

that provision be made for establishing public schools, and this bore fruit in the first law passed on that subject in the state, dated January 22, 1821. It was not very effective, but it was at least a beginning. Under its township trustees were to call for a vote of the people to decide whether they would establish school districts. If the vote were favorable such school districts were to be laid off—to contain not less than twelve nor more than forty house-holders—and these were to elect district school committees to have charge of school affairs. A school-house was then to be erected in each district, teachers employed, and all persons of suitable age were to be admitted to instruction. The expense was to be assessed on the parents or guardians, proportionate to their children in attendance. But the assessments were to be remitted in cases where the parents were unable to pay them, and the deficit was to be made up by general taxation.

Another law of importance established in Cincinnati "The Commercial Hospital and Lunatic Asylum for the State of Ohio." Ten thousand dollars was appropriated by the assembly for its erection. It was to be in charge of the trustees of Cincinnati Township, and free medical service was to be provided by the new medical college just established there under state charter. The only remuneration for this service was that the students at the college were to have the privilege of "witnessing the treatment" of the sick and insane patients. This was the modest beginning of that series of wonderful philanthropies which have since made the State of Ohio so notable.

During the year 1821 the financial conditions continued to be unsatisfactory. Prices of products were declining and the market for them was small. The Cincinnati Inquisitor of January 16 contained a letter from Natchez, Mississippi, where there were then more than sixty unloaded boats, stating that flour was selling at $2 a barrel, whisky at 25 cents a gallon, corn at 25 cents a bushel, butter at 10 cents a pound, cheese at 5 cents a pound, and other articles at correspondingly meager prices. "I was offered today," said the writer, "as good flour as I ever saw, from Kentucky, for one dollar and seventy-five cents a barrel. It will be as low as one dollar per barrel in a week more." In Cincinnati, prices in August were quoted in the same paper as follows: Apples, 25 cents per bushel; beef, choice pieces, 4 cents per pound; butter, 12½ cents per pound; beans, 25 cents per bushel; best chickens, 12½ cents per pair; cheese, 6 cents per pound; eggs, 6¼ cents per dozen; lard, 6 cents per pound; mutton, choice pieces, 3 cents per pound. Of course, at such prices on market the farmers could not save much. Abundant crops, however, furnished them a bountiful supply of food.

ACTING GOVERNOR ALLEN TRIMBLE'S ADMINISTRATION

Twentieth Legislative Session

December 3, 1821, to February 4, 1822

Allen Trimble remained speaker of the Senate, and John Bigger was made speaker of the lower house. The latter had no previous or subsequent career of any importance.

Thomas Worthington reappeared in the assembly, representing Ross County in the House of Representatives. It would appear a little strange that a man who had been governor and United States Senator should accept this humble political position, except for the explanation, made long afterwards by his daughter in her memoirs of the times, that his desire to be returned to the House was prompted by his intense interest in the canals and his wish to further the enterprise.

Thomas Corwin, afterwards so famous in Ohio annals, was a new member of this assembly, sent by the constituency of Warren County.

He was only twenty-five, the earliest age at which, under the constitution, any man was eligible to membership in the body.

Governor Brown, on December 29, announced officially the death at Washington of Senator William A. Trimble, and the governor himself was elected to fill the vacancy thus caused. For the third time since the state was formed, a speaker of the Senate became acting governor, Allen Trimble holding that office during the year which followed.

No noteworthy measures were taken by the assembly during this session. The law was revived and amended authorizing the payment of bounties for the killing of wolves; and steamboats on Lake Erie which belonged to the old company formed in 1811 by Robert R. Livingston and Robert Fulton were forbidden to stop at Ohio ports because the owners of those boats claimed to have exclusive rights to stop at Buffalo and other New York ports on Lake Erie, which monopoly was frowned upon and discountenanced by the people in the lake regions of Ohio.

At the date of adjournment of the assembly Congress had not yet adopted a basis for apportionment of congressmen under the new census. An act was therefore passed by the Legislature appointing an extra session for May 20 following, so that the state might be redistricted before the election of congressmen the following October.

Twenty-first Legislative Session

May 20 to May 23, 1822

Under the apportionment by Congress of one member of the national House of Representatives for every 42,000 inhabitants, Ohio was now entitled to fourteen members of that House. This placed her fourth in point of number of members among the states of the Union. North Carolina was next above her in point of population, but as a great majority of the people of that state were slaves, only three-fifths of whom could be counted in apportioning the representation, Ohio had congressmen fewer than only New York, Pennsylvania and Virginia.

At the special session, therefore, the state was newly divided into fourteen congressional districts. As this was the sole cause for the session, it adjourned after sitting only three days.

An attempt had been made during the first session of this year to revive the whipping post for those convicted of larceny where the amount stolen was less than $50, but it failed. Young Thomas Corwin made his maiden speech in the debate upon that subject, and thus early exhibited unusual powers as a speaker, for his address in opposition to the measure attracted more attention than any other delivered, and was the only one reported in any detail by the press. He took occasion to flay conditions in the Cincinnati jail, and the Gazette of that city replied sharply to him in its editorial column, but concluded its article in this way: "We regret the occasion of this notice of Mr. Corwin, who, we understand, is a young man of considerable promise."

The proposed act to renew "stripes on the naked back" was lost in the Senate by a tie vote—16 to 16. A bill to abolish imprisonment for debt was also lost, after long debate.

The political campaign of 1822 was a warm one, and the newspapers devoted much space to it. The mechanics of Cincinnati were now strong enough to offer a labor candidate for the Legislature. They very systematically campaigned in behalf of William Disney, a workingman, and he was triumphantly elected. General Harrison was a candidate for Congress, and met with bitter opposition because he had, while in Congress before, seemed to favor the admission of Missouri as a slave state, although he had not really voted upon the question. He defended himself very vigorously during the campaign, but was defeated by James W. Gazley, a man unknown to history except for his occupancy

of a seat in Congress for that one term. He was defeated when a candidate the following year.

ADMINISTRATION OF GOVERNOR JEREMIAH MORROW

Twenty-Second Legislative Session

December 2, 1822, to January 28, 1823

Acting Governor Trimble was again elected speaker of the Senate, as was Joseph Richardson speaker of the House, after an interim of one year. Trimble had been a candidate for election as governor, but had been defeated by a small plurality, by Jeremiah Morrow. There had been four candidates. The total number of votes cast had been 60,008, of which Morrow received only 26,059.

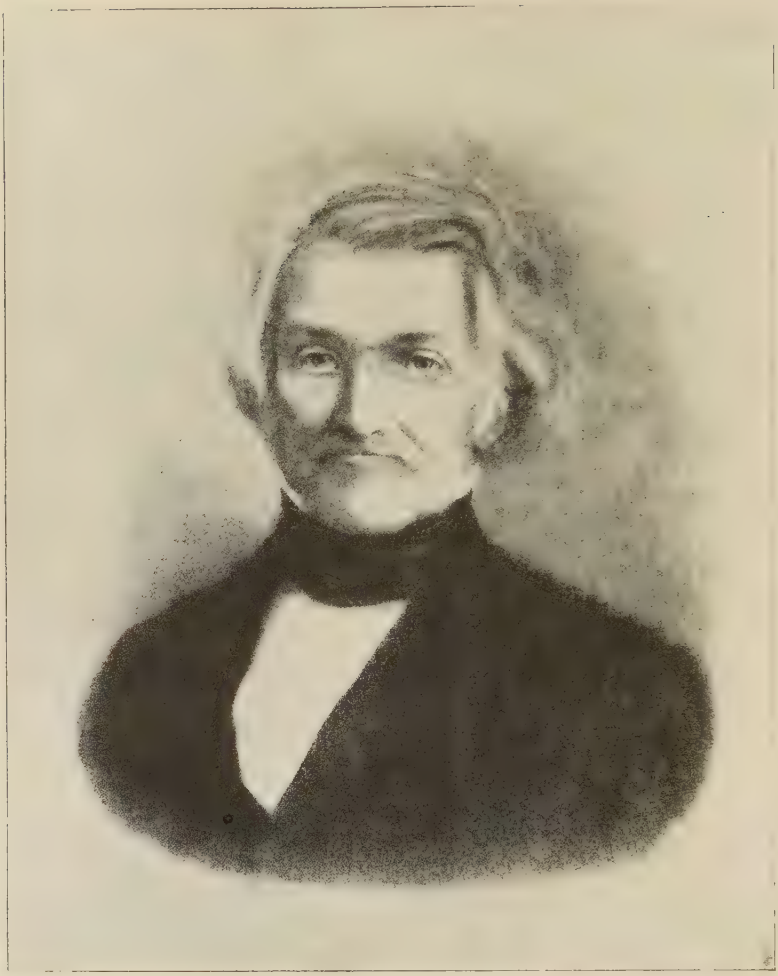
The project of the canal across the state was coming into better form, and a canal commission was created, with Thomas Worthington at its head. One member was Alfred Kelley, who now for the first time became connected with that great enterprise, but whose name was in later years closely identified with it; he was the "Father of the Ohio canals." Other members of the commission were Benjamin Tappan, Isaac Minor and Micajah T. Williams. The last named was appointed after Jeremiah Morrow, who was at first appointed, declined to serve. The assembly authorized the commission to employ a competent engineer and assistants, and appropriated $4,000 to meet the first year's expense. James Geddes, who had a high reputation in New York as a skilled and experienced engineer, was secured, at $1,500 a year, and expenses, to make the survey to determine the route of the canal, and the newspapers reported his travels and operations with much detail.

Calvin Pease was reelected judge of the Supreme Court. At the same time a new man—Charles R. Sherman—was elected to a judgeship in the same court. He had moved into the state from Connecticut less than two years before and settled in Lancaster. He had already, in that short time, won great prominence as an advocate. When he died in 1829, at the age of forty-one, he left two sons who were to contribute undying fame to the State of Ohio—the great statesman, John Sherman, and the great general, William Tecumseh Sherman.

Business conditions appear to have been improving at the beginning of the year 1823. The newspapers of the state, especially those in Cincinnati, made occasional references to this. An unusual amount of new building operations were noted in the Queen City, including several brick tenement houses three stories high, which indicated a more than usual demand for living quarters. Sheriff's sales, advertisements of which had for a long time occupied many columns in every issue of the papers, grew very noticeably less in numbers. Almost all references to complications over bank note values disappeared, and occasional note was made of greater manufacturing activities.

A new postmaster general was appointed. Return Jonathan Meigs had been removed in the early summer, and John McLean, another Ohioan, who had achieved distinction as a jurist on the Supreme bench of the state and had for some months been secretary of the general land office of the government, was appointed to the place. The reason for Colonel Meigs' removal was not hinted at in the papers, but one can easily believe that it was with the hope of improving the mail service, which had all the time continued bad in every part of the country. At any rate, Postmaster General McLean sent out frequent orders on various features of the service, all of which were published in the news sheets of Ohio.

Predictions were made by the editors that the next general assembly of the state would be required by its constituency to do something definite as to the public school system, the Erie and Ohio Canal, and the



JEREMIAH MORROW

Governor December 28, 1822—December 19, 1826. Born October 6, 1771; died March 22, 1852. Member Territorial Legislature and Constitutional Convention of 1802; state senator, congressman and United States Senator; state canal commissioner.

"ad valorem" tax. Up to that time practically all taxes had come from that early law which divided all the lands into three grades, and levied one and half dollar, one dollar, or fifty cents, respectively, on every hundred acres. But now there was a demand that taxes should be levied on all property, of whatever kind, according to its value. Precisely the same objections were made to this that have been put forward by the single-tax disciples of Henry George in modern times—that it would discourage individual initiative and industry in acquiring wealth by individual effort.

There was a rapidly growing demand that a practical and successful system of common schools should be established immediately. Many editors were unsparing in their criticism of the laxity of past legislatures in this regard. The editor of the Cincinnati Gazette, who was a leader in this campaign, presented a picture of the state quite different from that in the eyes of most Ohioans who were proud of their commonwealth. "In contemplating the exalted station claimed by Ohio," he wrote, "we cannot but enquire, what great or good thing has she ever performed? She is happily situated and possesses a population of more than half a million. But notwithstanding all this, she is almost destitute of schools of any sort—she has never endowed a college, built a bridge, dug a canal, made a decent road, or done any other thing over and above the ordinary business of legislation. She remains in her feelings and policies an infantile state. She has not advanced a single step toward pre-eminence save in the cultivation of her soil and the increase of her population."

All this, and much more, he said in urging that Ohio must provide a good public school system.

Twenty-second Legislative Session

December 1, 1823, to February 26, 1824

Allen Trimble and Joseph Richardson again presided over the Senate and House, respectively.

The subject of educating the deaf had been occupying much attention throughout the country for the few years past. The assembly of Ohio, at a previous session, had ordered a careful enumeration of such persons in the state, and the report of this count was now presented. It showed a total of 428 deaf mutes, of whom 279 were listed as "poor," sixty-six as "in middling circumstances," seventy-two as "in good circumstances," and eleven unclassified as to their worldly condition. This was the first step taken toward the establishment of a school for the deaf in Ohio, which materialized within the next few years. Connecticut had provided such an institution, and it had become an object of great interest and curiosity in the public mind. Men who desired to devote their lives to the instruction of deaf-mutes went to Hartford to learn the methods of doing so.

Ralph Osborn was again elected state auditor by the assembly, and as the library had now become a place of some importance, a regular librarian was appointed—Zachariah Mills. His salary was $200 a year, and he was under bond of $2,000. An appropriation for books and maps for the library was made at this session, to extend over the four following years—$350 to be expended each year.

That the Legislature was proud of the name "Ohio" on the new United States naval vessel launched May 30, 1820, was shown in a resolution adopted authorizing Governor Morrow to procure and present a suitable stand of colors to that battleship.

The extension of the Cumberland Road into Ohio was now about to begin, the necessary surveying and routing having been completed, and the assembly formally "authorized and empowered" the national government to so extend it. The work progressed rapidly. It was by far the finest highway yet planned for the state. The newspaper reports

of the time describe it is being thirty feet wide, of which twenty feet was covered with "pounded stone." Its construction gave employment to very large numbers of men—there was no scarcity of laborers even at the small wage of $6 per month paid (in addition to board and lodging in camps). The road entered Ohio from Wheeling and ran directly west in the central part of the state, passing through Zanesville, Columbus and Springfield, to Richmond. Indiana, and beyond.

The canal was still the matter of first importance before the legislators, and they appropriated $6,000 to defray the expense of a continuance of the surveys to determine the best route for it. The middle, or Sandusky and Scioto route, as it was called, seemed to be the one most favored, and it was particularly mentioned in the act that it should have the careful consideration of the engineers.

Interest in the Legislature centered in three main subjects—the public schools, the canal, and the newly proposed system of producing a revenue by taxing property according to its value. There was much "log-rolling," and it became evident to the editors of the state that neither of the three proposed acts, against all of which there was organized opposition, could pass without application of the policy "you scratch my back and I'll scratch yours." The delay in the determination of a route by the canal commission carried all three proposals over to the next session.

Through most of the year 1823 and all of the year 1824 until November, the chief—almost the exclusive—subject of discussion in Ohio was, "Who shall be the next president?" Nothing was plainer than that "the era of good feeling" was over. Presidential candidates were energetically assailed and vigorously defended. Five of these occupied the attention of the people—John Quincy Adams, of Massachusetts; Henry Clay, of Kentucky; John C. Calhoun, of South Carolina; Gen. Andrew Jackson, of Tennessee; and William H. Crawford, of Georgia, then Secretary of the Treasury. The intensity of this contest, begun more than eighteen months before the election was to occur, was astonishing. All the candidates were "confessedly republicans" (the name democrat was not yet often applied to the party), and the controversy was taken as an evidence that the party was far from united.

The vote in Ohio was: Clay, 19,255; Jackson, 18,489; Adams, 12,280. After the election, and it became known that the choice of a president would have to be made by Congress, the acrimonious disputation continued with even greater fury than before. John Quincy Adams' election by Congress was followed by the formation of a determined opposition to all his policies and acts, which was fostered by the adherents of General Jackson. Their efforts to make their idol president at the next election were never for a moment abated.

Twenty-Third Legislative Session

December 6, 1824, to February 8, 1825

The head of the Senate was once more Allen Trimble; of the House, Micajah T. Williams, of Cincinnati, whose public career was undistinguished except by this one elevation to office and service on the canal commission.

The election for governor had attracted little attention in the press, but there had been a total vote of 76,634, the greatest yet recorded in the state. There had been but two candidates; Morrow received 39,526, and Trimble, 37,108.

Secretary of State Jeremiah McLene was again elected to that office, and Gen. William Henry Harrison was sent to the United States Senate to succeed Ethan Allen Brown, whose term had expired.

This session of the general assembly was a notable one, for it witnessed the passage of the three laws which had been uppermost in the minds of the people and which materially promoted progress of the state. They were passed on three successive days.

Nineteen Hundred and Twenty-five is the centennial anniversary of canal construction in Ohio. This was the first great effort of the state to solve the question of transportation. The movement started with great enthusiasm on the 4th of July, 1825, at the Licking summit near Newark, Ohio, where Senator Thomas Ewing delivered a notable address, which has recently been published in the Quarterly of the Ohio State Archæological and Historical Society. The building of these canals proved more expensive than anticipated. They were a boon to the people of the state until they were superseded by the railroads. Transportation over them was abandoned years ago.

Much has been said in favor of their rehabilitation and enlargement as ship canals connecting Lake Erie and Ohio River. The state, however, has not undertaken this improvement. The recent experience of the State of New York, whose canals have been deepened and widened at great expense, has not been encouraging. The future of the Ohio canals is still a problem. The accompanying map indicates their extent and condition.

"An act to provide for the support and betterment of the common schools," which bore date of February 5, 1825, for the first time in the state's history really provided a system which gave promise of success. It no longer left it optional with voters in the townships to establish schools, but made them a state institution. The object of the act was simply stated—"the instruction of youth of every class and grade, without distinction, in reading, writing and arithmetic, and other necessary branches of common school education." It appropriated one-half of one mill on all taxable property to be used for school purposes, required township trustees to lay off school districts, provided for election of school committees in these districts, for appointment of examiners to test the qualifications of teachers and issue certificates to those who were approved, and it charged the common pleas courts and county auditors with the details of administration and financing.

The canal commissioners had decided upon the best route for the new waterway connecting Lake Erie and the Ohio River, and on February 4, 1825, the act establishing it was passed by the assembly. It was the "Muskingum and Scioto route, so called," from Cleveland to Portsmouth. It also provided for a canal from Cincinnati to the Mad River at or near Dayton.

"An act establishing an equitable mode of levying the taxes of this state" was passed on February 3, 1825. It had been written by a finance committee of which Thomas Worthington was chairman, and was another evidence of that man's great usefulness to the State of Ohio. It provided for county assessors who should determine the values of all lands, lots, buildings, dwelling houses worth $200 and over, horses, neat cattle of three years old and upward, capital of merchants and brokers, and pleasure carriages of a value of more than $100; and for the levying of taxes upon the values thus assessed. Rates of taxations should be determined by the counties. It provided for county boards of equalization to hear appeals and complaints as to valuations made by assessors, and established also a state board of equalization. The system inaugurated in this law, although amended many times, is, in its fundamentals, exactly the same as has been in effect continuously since that time.

This assembly made one concession in the application of the law of imprisonment for debt; it passed an act that Revolutionary soldiers should be exempt from its provisions.—A law provided, for the first time, for the appointment of prosecuting attorneys by courts of common pleas.—Another placed $100 fine upon bull-baiting and bear-baiting, and $20 fine upon cock-fighting.—A bill was again introduced abolishing punishment by death, but it failed of passage, as had the others previously proposed.

The newspapers highly praised this Legislature. "It has been one of the most interesting sessions ever held in this state," said the Cincinnati Gazette of February 8. "The canal bill, the new system of finance, and the provision made for the establishment of public schools, will long be remembered to the honor of its members. It belongs now to the people to give these plans their countenance and support."

Many optimistic editorials were written about the canals, the national road, the schools and the new tax law. It was felt that a new era was opening, and the people were congratulated in enthusiastic language by the editors, some of whom had a few years before seemed greatly discouraged over conditions in the state.

General LaFayette's visit to the United States in 1824 to 1825 was an event of general and enthusiastic interest in this state, which he entered at Cincinnati May 19 of the latter year. The newspapers described the event very fully. Details of the tour are found elsewhere in the pages of this history.

On June 9, 1825, the Columbus Gazette made first announcement that ground would be broken for the construction of the canal near Newark on the Fourth of July following. The greatest crowd ever

known on any occasion in Ohio was expected. The event itself was very fully described by the papers. Governor DeWitt Clinton, of New York, the great advocate of canals in his own state and in Ohio, was the guest of honor. From 8,000 to 10,000 people were present and "signified their approbation by repeated shouts of applause." The whole ceremony was described as grand and imposing. An oration was pronounced by Thomas Ewing, the famous lawyer of Lancaster. He addressed part of his remarks directly to Governor Clinton, who responded eloquently. Governors Clinton and Morrow each threw out a shovel full of dirt. A dinner, "with one thousand covers," was served in a neighboring grove, where thirteen set toasts and eleven volunteer toasts were given and drunk. Governor Clinton visited many towns in Ohio before returning to New York, among them Chillicothe, Dayton, Lebanon and Cincinnati, and received a cordial welcome to each place. On July 21 he and Governor Morrow repeated their performance of digging the first earth on the Miami Canal at Middletown, on which occasion also there were large crowds of people present. A militia company from Cincinnati drilled and its band played. There were many speeches, a big dinner, and eloquent toasts.

The canal was built by separate contracts in small sections, and the papers soon began to publish items about the rapid progress made all along the routes.

Twenty-Fourth Legislative Session

December 5, 1825, to February 6, 1826

Allen Trimble was once again made speaker of the Senate, and William W. Irwin, of Fairfield County, was speaker of the House.

In his annual message Governor Morrow felicitated the public upon the progress of canal construction, dwelt at length upon the hopes of the state in the new common school system, and expressed the pleasure he had felt in officially receiving General LaFayette the previous summer.

Report was made by the canal fund commissioners that they had sold $400,000 of 5 per cent bonds to meet the expense of construction for the time being. Acts were passed by the assembly authorizing the fund commissioners to secure in the same way $600,000 for each of the years 1827 and 1828. This was in addition to large amounts secured by taxation and other methods. The loans were made with no difficulty, and the progress of work on the canal was never embarrassed for want of ready cash.

Henry Brown, of Franklin County, was elected state treasurer, and Peter Hitchcock was again made a judge of the Supreme Court, his first term having expired.

Two notable laws which were no longer necessary were repealed. One was the famous act to withdraw from the United States Bank the protection of the state's laws; the other was that old first tax law under which lands alone were assessed to meet the public need for money.

The new revenue act had gone into effect, the assessors in all the counties had been busy, and reports of the first assessments were now made. The total valuation was found to be $58,924,720. Of this, $37,244,495 represented values of country lands, $1,549,889 values of country houses, $7,188,198 values of property in the towns, $5,517,810 values of horses, $274,689 values of cattle, $5,202,400 capital of merchants, $20,885 values of carriages worth more than $100 each. The number of acres of land taxed was 15,174,186. The division of the taxes for 1826, the first under the new law, was as follows:

State tax	$106,668.87
County tax	187,562.80
Road tax	31,846.30
Township tax	22,231.01
School tax	18,613.29
	$366,922.27

The publication of these figures was the occasion of editorial approval of the new law, as being equitable and as accomplishing the result desired—the contribution to an ample public revenue in accordance with the ability of each property owner to pay.

A financial report was also made concerning the first year's operation of the new "Lunatic Asylum." This disclosed that the total expense of maintaining it during the twelve-month had been $764.38, and the amount received on account of maintenance of individual insane patients was $636, leaving a deficit of $128.38, to be made up by the state. The figures were very modest indeed, judged by modern standards, but it was regarded as a highly important state establishment in 1826.

In the Cincinnati Gazette of April 7, 1826, an account appeared of the formation of a "New Association," in Belmont County, to bring about a reform in carrying on elections—or, rather, of naming candidates for election—to public office. There was no regular system of naming candidates in Ohio, nor, apparently, anywhere in the United States. A few citizens would gather, generally at a private house, appoint a chairman and secretary, decide on a ticket, and send a report of their proceedings to the local paper. Other meetings of the same kind would name other tickets. Very often requests were sent to the editors to announce the names of candidates which had not been considered at any meeting at all. A week or two before the election the papers would list all the names which they had received, and voters would consult these lists in casting their ballots. It was easy for any man to be put forward as a candidate, regardless of his qualifications or reputation. There were no conventions, no party endorsements, and, of course, no primaries. The plan of the "New Association" of Belmont County appears to have been the first suggestion of a convention system in Ohio. Its members pledged themselves to promote a plan of sending delegates to a county assembly to nominate one best man for each office. The Gazette, in commenting upon this plan, expressed grave doubts as to its constitutionality on the ground that it would tend to encourage bribery. In view of the later development of the convention system and the modern return to a system somewhat similar to the old first method, this incident of 1826 forms an interesting bit of political history.

News of the death, on July Fourth of this year 1826, of Thomas Jefferson was the occasion of demonstrations of respect all over Ohio. The United States Court at Columbus adjourned. The members of the bar everywhere adopted appropriate resolutions and wore crape on their left arms for a month. The editors made Mr. Jefferson the theme of much writing, and printed many anecdotes and sketches concerning him. Services were held in churches, and eulogies were pronounced. Several days later intelligence came of the death of John Adams on the same day that had marked the end of Mr. Jefferson's life; and while the courts again adjourned in respect to his memory, his passing was not so generally noted in the public press.

Only two months before Jefferson's demise much sympathy was expressed in the Ohio newspapers over the fact that he was in great financial embarrassment, and that the general assembly of Virginia had authorized a public lottery to sell his estate at Monticello in order to enable him to pay his debts. James Monroe was also known to be in the same reduced condition, according to reports in the papers. The

Cincinnati Gazette of April 25 referred to both of these ex-presidents as being "left to endure all the humiliations of penury and want." Upon the same subject the editor turned upon Congress in this fashion: "It would be more for the credit, and more for the interest of the nation, too, that the money expended by Congress in unnecessary and outrageous speech making should be paid to these faithful servants, than wasted, as it now is, in cabals and contentions discreditable to all concerned."

Bernhard, Duke of Saxe-Weimar Eisenach, Visits Ohio

Tributes to Governors Morrow and Worthington

In the years 1825 and 1826 America was visited by Bernhard, Duke of Saxe-Weimar Eisenach, a nobleman in the service of "his majesty, the King of the Netherlands." He left Ghent April 4, 1825, and returned to that city July 28, 1826. After a stay in England and an uneventful voyage across the Atlantic, he landed in Boston, Massachusetts, July 26, 1825. Following is the duke's statement of his impressions when he stepped on the American shore:

"It was ten o'clock, on the morning of the 26th of July when I first placed my foot in America, upon a broad piece of granite! It is impossible to describe what I felt at that instant. Heretofore, but two moments of my life had left a delightful remembrance; the first was, when at seventeen years of age, I received the Cross of the Legion of Honour, after the battle of Wagram—the second, when my son William was born. My landing in America, that country which, from my early youth, had been the object of my warmest wishes, will, throughout life, remain a subject of pleasing recollections."

After an extended tour, he sailed from New York City on his return voyage June 16, 1826. The following entry in his journal expresses briefly his feeling as he bade the new world farewell:

"To my great and sincere regret, the hour at length arrived when I was constrained to leave this happy and prosperous land in which I had seen and learned so much and in which much more still remained to be seen and learned."

The journal of his "Travels Through North America," published in two volumes in 1828, gives a faithful picture of the America of that time as seen by a sympathetic, scholarly and impartial observer. He came to our shores shortly before LaFayette departed. He was practically unknown in the United States and the newspapers scarcely noted his presence here. He came simply to gratify a long cherished desire to see the "new world" and especially that portion of it the fame of which had filled Europe and was attracting the teeming populations of the "old world" to the new Republic of the West.

Leaving Louisville, Kentucky, April 30, 1826, after a tour through that state, he proceeded up the Ohio on the steamboat Atlanta to Cincinnati. His description of what occurred on this trip is interesting and possibly explains the origin of casualties in these early days of river transportation. We quote again from the duke's journal:

"Shortly after leaving Louisville, we were followed by another steamboat called the General Marion; towards evening it reached and wanted to pass us. A race took place which discomposed us considerably and became dangerous to a high degree. The boilers, being soon over-heated, might have burst and occasioned a great disaster; during this time we were so close together, that the railing, as well as the roofs of the wheels knocked against each other. The danger increased as night drew on, and particularly so as there were a great number of ladies on board, who were crying in a most piteous manner. One of them conducted herself most distractedly; she fell into hysteric fits, wanted to throw herself in the water on the opposite side of the boat, and could scarcely be prevented by three strong men. The heating

of the boilers of the General Marion had been so violent, that they ran short of wood, and to their great confusion, and our extreme satisfaction, they were not only left behind, but were overtaken by the slow steamboat Ohio; thus the Atlanta obtained a brilliant victory."

After a visit to Cincinnati the duke proceeded to the interior of the state. We cannot do better than to let him relate some of his experiences in his own language:

"I had resolved on traveling in the interior of the State of Ohio, in order to convince myself of the condition of this country, which has been inhabited but thirty years by a white population. I therefore renounced the comfortable traveling on the Ohio for the inconvenient passage by land. To be enabled to travel at my leisure, I hired a carriage with four horses, at six dollars per day, and left Cincinnati on the 3rd of May, at eleven o'clock A. M. We rode that day twenty-one miles to the lodgings of the governor, Mr. Morrow, to whom I had letters from Governor Johnson of New Orleans. The road led through a hilly and well cultivated country. The fields separated by worm fences adjoin each other and contain good dwelling houses and barns. Their extensive orchards mostly contain apple and peach trees. I had not seen before any place in the United States in so high a state of cultivation. But alas! the rain had made the roads so muddy that it was with difficulty we proceeded. * * *

"The dwelling of the Governor consists of a plain frame house, situated on a little elevation not far from the shore of the Little Miami, and is entirely surrounded by fields. The business of the state calls him once a month to Columbus, the seat of government, and the remainder of his time he passes at his country-seat, occupied with farming, a faithful copy of an ancient Cincinnatus; he was engaged at our arrival in cutting a wagon pole, but he immediately stopped his work to give us a hearty welcome. He appeared to be about fifty years of age; is not tall, but thin and strong, and has an expressive physiognomy, with dark and animated eyes. He is a native of Pennsylvania, and was one of the first settlers in the state of Ohio. He offered us a night's lodging at his house, which invitation we accepted very thankfully. When seated round the chimney fire in the evening, he related to us a great many of the dangers and difficulties the first settlers had to contend with. * * * We spent our evening with the governor and his lady. Their children are settled and they have with them only a couple of grandchildren. When we took our seats at supper, the governor made a prayer. There was a Bible and several religious books lying on the table."

This visit evidently made a lasting impression upon the duke. Twenty years afterward Charles Anderson, brother to Robert Anderson of Fort Sumpter fame, and himself later acting governor of Ohio, was traveling in Europe and met the grand duke in a vessel on the River Elbe. Josiah Morrow thus relates the substance of what the duke said in regard to his visit to the chief executive of Ohio:

"The Duke spoke of his travels in republican America and described the great interest with which he had looked upon the scenes of that country, so different from anything he had ever seen in the old world. He spoke particularly of his visit to Governor Morrow, whom he found in the garb of a farmer, wearing a red flannel shirt, his hands and face smeared with charcoal from burning brush in a clearing. The Duke, accustomed to the splendors of a palace, must have gazed with astonishment on the spectacle. Although he expressed much admiration for the republican chief magistrate, he had no wish to imitate his example; but he told young Anderson, as they descended the river, that of all the public men he had met in his extensive travels in America, he had taken the greatest liking to Henry Clay and Governor Morrow."

After proceeding in his journey by way of Union Village, Bellbrook, Xenia, Springfield, Columbus and Circleville, all of which places he

describes in a very interesting manner, he arrived in Chillicothe, May 10. Here he was entertained by former Governor Thomas Worthington in his delightful home at Adena. The duke thus describes the building and its surroundings:

"The governor's house is surrounded with Lombardy poplars; it is constructed in the style of an Italian villa, of free stone, with stone steps on the exterior, is two stories high, and has two wings, having a court in front of the centre building, containing honeysuckles and roses: on one side of the house is a terrace with flowers and kitchen vegetables; this garden was arranged by German gardeners who keep it in very good order: behind the house are large clover fields, and to the right the farm buildings. Governor Worthington occupies himself with the raising of cattle, particularly sheep; he had a flock of one hundred and fifty merinos. I understood that they were numerous in the state of Ohio. Colonel King and his highly accomplished lady came to meet us; the governor and his lady soon appeared: he has travelled a great deal, has been a long time in public offices, and was for several years a member of the United States' senate; his eldest son was travelling in Europe, another son was in the military academy at West Point. He has ten children, on whom he expended a great deal for their education; the evening passed rapidly in instructive and interesting conversation, the hospitable governor insisted on our passing the night at his house; the house is very commodious, the furniture plain, but testifies the good taste and easy circumstances of the owner. I arose early next morning and took a walk in the governor's garden, I ascended to a platform on the roof to take a view of the surrounding lands, but there is as yet nothing but woods covering the greater part of the country. Fires, which were burning in some places, were proofs, that new settlers were clearing the woods; from this platform the governor can overlook the greater part of his property, containing twenty-five thousand acres of land. * * * I took breakfast with the worthy governor and his family, and found here, as at Governor Morrow's, that the father of the family, observed the laudable custom of making a prayer before sitting down. After breakfast we took leave of this respectable family, whose acquaintance I consider as one of the most interesting I made in the United States, and returned to town."

ADMINISTRATION OF GOVERNOR ALLEN TRIMBLE

Twenty-fifth Legislative Session

December 4, 1826, to January 31, 1827

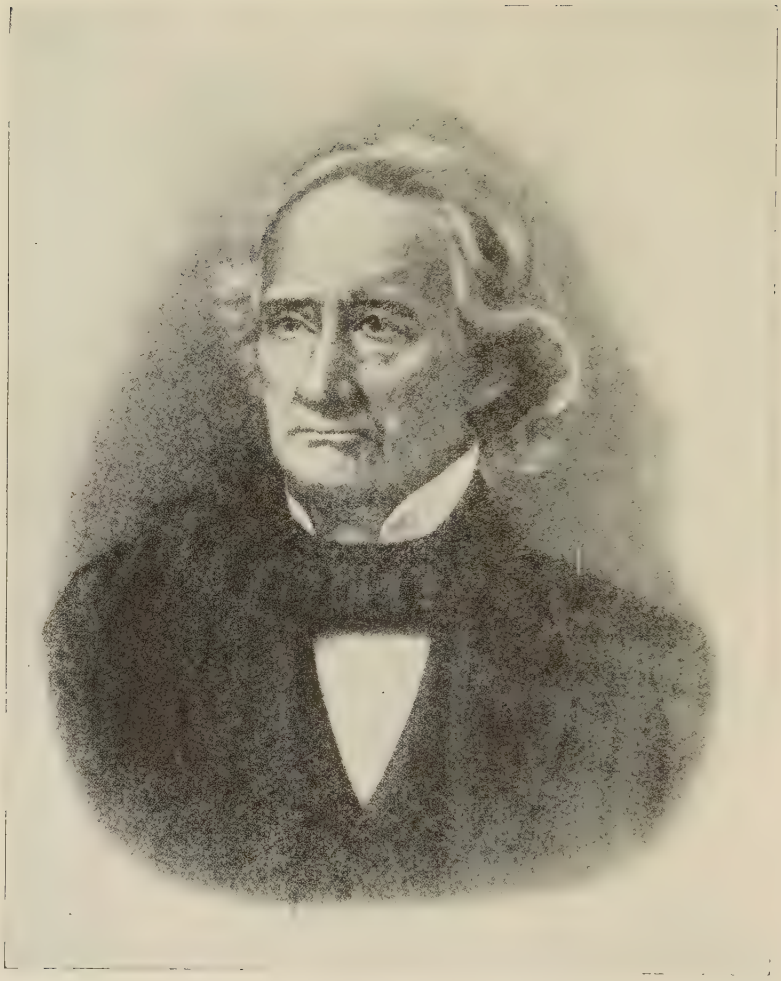
Abraham Shepherd, of Brown County, who had been speaker of the Senate ten years before, was again in the upper house and was now elected to the same position. Edward King, of Ross County, was the new speaker of the House of Representatives.

Governor Morrow, in his fourth and final annual message, submitted many documents evidencing great progress in the construction of the canal. He felicitated the people of the state upon the great activities in domestic improvements and upon the favorable condition of both public and private interests.

Allen Trimble, after two attempts, was successful in his ambition to be governor of the state, having received 74,475 of the 84,646 ballots cast. In his inaugural address he stressed the need of free schools for the practical education of the people.

The canal fund commissioners reported that they had contracted with John Jacob Astor, of New York (then famed as the richest man in America), for a loan of $1,000,000, payable at the option of the state after 1850. The credit of Ohio had become so high that the bonds on which this loan was made were sold at a premium.

Benjamin Ruggles was again elected United States senator, and



ALLEN TRIMBLE

Governor January 4, 1822—December 28, 1822. December 19, 1826—December 18, 1830. Born November 24, 1783; died February 3, 1870. Member Ohio House of Representatives and Senate.

Ralph Osborn was reelected state auditor for the eleventh successive year.

Two amendments were made to the tax law: (1) the assessors were to be elected by the people instead of being appointed by the common pleas courts; and (2) the office of tax collector was abolished and the duties assigned to the county treasurers.

The public school law was also changed, and very much for the better. The school funds were placed under control of the state instead of the various counties, and provision was made by which the state government was thereafter to handle all receipts and expenditures for the education of the common people.

On January 30, 1827, "An act to establish an asylum for the education of deaf and dumb persons" was passed by the assembly. It provided that trustees of the asylum should be appointed and it was made their duty to report to the legislatures where the institution ought to be located, what kind of buildings should be erected, what they would cost, and what should be the plan of internal organization.

It is worthy of note that the first daily newspaper published in Ohio made its appearance this year. The Cincinnati Gazette, which was established as a weekly some years before, had for more than a year been issuing two papers a week. From the first week in June of 1827, for many years, it was published every day except Sunday. All the papers of the state had immensely improved in appearance. Many of them were of very respectable size and they bore evidence of prosperity. Their type, ink and paper were of excellent quality—comparing very favorably, indeed, with the papers of today in those respects. It would be a long while, of course, before they would be able to publish news from the East, which they clipped from the papers of that section, until it was almost two weeks old, but they were beginning to have better news service. Some of them had special correspondence from Columbus during the sessions of the Legislature, and the Gazette had its own Washington correspondent to report in detail the proceedings of Congress. The tone in the writings in all the papers was much less violent than formerly, and, although the editors held contentious arguments with one another in their columns, they were not couched in such lurid language. Generally speaking, it was only with reference to politics that they differed at all.

The Cleveland Herald of July 6, 1827, contained a two-column account (copied by the Cincinnati Gazette of the 14th) of the first voyage on the Ohio and Erie canal, which important event had occurred on the 3d of that month. The canal boat State of Ohio, drawn by a horse walking on the tow-path, had left the Portage Summit, near Akron, and proceeded to Cleveland, thirty-eight miles distant. This was the section of the canal first completed.

At the town of Boston she had been joined by the Allen Trimble, and further on by the Pioneer. The governor of the state, the canal commissioners, and many other dignitaries were aboard the State of Ohio, which was gayly decorated, and the other boats were crowded with passengers. The fleet was received in Cleveland with salutes of cannon and other noisy demonstrations. A procession was formed and all marched to "an arbor on the public square of the village," where speeches were made. Then they repaired to Belden's Tavern, had a sumptuous dinner, drank a large number of regular and volunteer toasts, and listened to speeches by Governor Trimble and Canal Commissioner Alfred Kelley. In the evening there was a "splendid ball in Belden's Assembly Room." It was a very grand occasion.

Meanwhile, a very few years before experiments had been made in pulling carriages over metal tracks in England. Some meager reports of this had reached Ohio, and on April 30, only a little more than two months before the first trip on the canal, the Cincinnati Gazette had contained this item: "The Baltimoreans are in high spirits on the

subject of their railroad to Ohio. The stock has been very rapidly subscribed, and no doubts seem to be entertained of ultimate success."

But no one in Ohio knew anything about railroads. Who could conceive that they would ever dim the glory of the wonderful canal?

Twenty-Sixth Legislative Session

December 3, 1827, to February 12, 1828

The Senate elected Samuel Wheeler, of Geauga County, speaker. the House of Representatives conferred the same honor upon Edward King, of Ross. Neither man attained later prominence.

The trustees of the new asylum for deaf mutes, previously appointed, reported that they had organized and were ready to proceed with the project. The assembly voted them a balance in the treasury of $376.60 in the "literary fund," to pay their preliminary expenses. It also adopted a resolution asking the general government to make a grant of public lands to be placed at the disposal of the trustees to aid in establishing the institution.

The number of free white electors in the state was reported at 145,745, an increase of 21,110 over the number four years before, from which an estimate was made that the total population of the state now approximated 800,000.

The canal fund commissioners reported another loan, made upon security of 6 per cent bonds, of $1,200,000; so active had the demand been in financial circles that the premium on this loan amounted to $71,506.67.

State Treasurer Brown asked the general assembly to investigate his responsibility in connection with a robbery of the vault at his office which had occurred May 6, 1827. The thief had secured $12,657.98, but by the efforts of the treasurer he had been caught and all but $1,030.33 of the money recovered. A committee of the assembly exonerated the treasurer of all blame and reimbursed him for the expense incurred in catching the thief. An appropriation of $200 was made to rebuild the vault "to be fire-proof, of cut stone fastened with iron bolts." At the same time the state auditor was authorized to cause to be erected a fire-proof building 20x24 feet in the clear, in which to keep the state records.

There had grown up at that time "The American Colonization Society," and its activities were widespread throughout the country. The object it wished to attain was the transportation of all free negroes to Liberia, in Africa. A large convention of the society was held in Columbus this winter. At its request the general assembly adopted resolutions favorable to the plan, and petitioned the general government to aid the society in accomplishing its aim. The newspapers all over the North, including those of Ohio, devoted much space for the next few years to this movement.

By resolution the general assembly appointed Alexander Bourne, of Ross County, a member of the canal commission, to fill the vacancy caused by the death of Thomas Worthington, which had occurred in New York City the prevoius summer. The last few years of that great man's life had been rendered very unhappy by financial reverses which reduced him from wealth to a state approaching poverty. His friend, General Finley, had secured his name on his bond as commissioner of the land office in Ohio, and his obligation to make this good was the cause of his undoing.

The State of South Carolina submitted for approval to the assemblies of Ohio and the other states resolutions declaring that the general government had no constitutional right to levy a tariff duty on goods imported into the United States. The Ohio assembly adopted resolutions declaring that "to the doctrines therein contained this general assembly express their most solemn dissent." This effort on the part

of South Carolina foreshadowed the "nullification" controversy which aroused much excitement in Ohio and the entire nation in those days.

The work of this session of the Legislature was confined almost entirely to matters of a special, local and personal character.

The Ohio newspapers of the year 1828 devoted some attention to news of the development of railroads which had begun in England, and to proposed railway projects in some of the eastern states. There was no mention whatever of any motive power except "animals," and no fear was expressed that railroads would ever compete with the canals, the construction of which continued steadily and held a large share of the attention of the editors and of the reading public.

But the approaching presidential election was the topic of paramount interest. The contest was entirely between the administration and the anti-administration parties. Those opposed to President Adams were solidly for General Jackson, and were now universally called democrats. Conventions came into general favor, and new political methods were introduced. Mass meetings, state central committees for conducting the campaign, nominations for office by conventions, stump speeches (a new phrase then, always surrounded by quotation marks in the papers)—all came into vogue. Electoral tickets on both sides were named at state conventions held in Columbus. Ohio was carried by Jackson, his vote being 67,597, while Adams received 63,396.

Twenty-Seventh Legislative Session

December 1, 1828, to February 12, 1829

No change was made in the organization of this assembly, the same men presiding over both houses who had occupied the respective chairs at the previous session.

An incident which aroused much interest was an action taken by the Senate on account of the absence of Andrew Mack, a senator from Hamilton County, because he was held in prison at Cincinnati as a debtor. The Senate promptly adopted a resolution declaring his detention a violation of legislative privilege, and sent one of its members to Cincinnati for the purpose of securing his release and returning with him to Columbus. The order confining Senator Mack was promptly annulled by the court upon this order from the Senate, and he went to the capital immediately after his release.

The official canvass of the vote for governor disclosed that Governor Allen Trimble had been reelected by a vote of 53,971 over John W. Campbell, who received 51,951. The total vote cast in the state had been 106,034. Campbell had just finished ten years' service in Congress. Shortly after General Jackson was inaugurated president he was appointed judge of the United States District Court of Ohio.

Governor Trimble announced to the assembly that Gen. William Henry Harrison had resigned as United States senator, having been appointed by President Adams to the post of minister to Colombia. Electing his successor developed an exciting contest in the assembly, which extended through two joint sessions convened for the purpose. Jacob Burnet, of Cincinnati, was elected by a majority of only three votes, after many ballots. This was a straight-out fight between the Jackson and anti-Jackson men. Burnet was not a Jackson man, and he was, for a good while after his election, made the target of the Jackson papers, which denounced him as a "Federalist."

A law of January 28, 1829, definitely established the deaf and dumb asylum, the trustees being authorized to open it the following October. They secured a competent principal, from Hartford, Connecticut, for the instruction of the pupils, and the institution then inaugurated in a very modest way has now, for many decades, been one of the finest of its kind in the world.

A new measure was inaugurated by this Legislature, in face of the

strenuous efforts of temperance people, greatly increasing facilities for buying spirituous liquors at retail. By the act of January 28 any person could retail them at a grocery, under license of from $5 to $50 a year, according to location, upon submitting an application signed by twelve householders living in the vicinity.

A law was enacted excluding all "black and mulatto" persons from the free white schools of Cincinnati and from all the common schools of the state. Another act instructed the keeper of the penitentiary "to prepare in the upper story of the old prison building a room in which to assemble the convicts for moral and religious instruction on the Sabbath," which edification they had never enjoyed up to that time.

Great indignation was expressed by the anti-Jackson papers of Ohio over the new president's policy of dismissing government employes who had not been favorable to him—a policy ever since known by his famous slogan, "To the victor belongs the spoils." The process of turning out such officials began immediately upon his assuming his office, and it was shortly afterwards published that several hundred postmasters had been dismissed—fifty-one of them in Ohio. "Under this administration," said the Ohio State Journal of July 23, 1829, "the highest character for official capacity, moral worth, and intellectual preeminence is considered as of no value. It is not enough that a public officer shall have faithfully discharged his duties. If he be suspected of having favored the election of the late president, or of having entertained views hostile to the elevation of his successor, he must be removed and his place filled by some time serving sycophant who possesses no other merit than his readiness to cooperate with his superiors in rewarding the friends and punishing the enemies of the present chief magistrate."[1]

The papers for this year contained many references to the development of steam locomotives in England, and one of them was said to pull carriages on a railroad at the amazing speed of twenty miles an hour.

Twenty-Eighth Legislative Session

December 7, 1829, to February 23, 1830

Robert Lucas, of Pike County, was the new speaker of the Senate, and Thomas L. Hamer, of Brown, was made speaker of the lower house. Both of these men had careers of importance. Lucas had been a brigadier-general in the War of 1812, had been in the Legislature of 1814-15, and three years later he became governor of Ohio. He was the first territorial governor of Iowa, 1828 to 1841, and died in Iowa City in 1858. Hamer later became a brigadier-general. He served his district in Congress from 1833 to 1839. A soldier in the Mexican war, he died in service near Monterey in 1846. While in Congress he appointed Ulysses S. Grant to a cadetship at West Point.

Elijah Hayward and John H. Goodenow were made Supreme Court judges, and Auditor Ralph Osborn was again reelected.

The canals in Ohio were now in operation to a very considerable extent, and a long act (dated February 23, 1830) was passed regulating navigation upon them. The boats were prohibited from traveling more than four miles an hour. Complete regulations were made as to use of locks, the meeting and passing of boats, and other features of their movements, as well as to clearances, bills of lading on their cargoes, collections of tolls at toll houses established at regular intervals, and fares of passengers. The newspapers from this time forward contained

[1]Even Edward Tiffin, one of the stanchest of the founders and supporters of the party of Thomas Jefferson, did not escape decapitation at the hands of Jackson. While confined to his room by an illness, which proved to be his last, he was removed from the office of surveyor-general of the Northwest early in the administration of Jackson. This office he had held under Madison, Monroe and Adams.

numerous items concerning the canal boats, their activities, the volume of business done by them, the values of merchandise shipped, and the profits accruing to the state from tolls.

No other laws of importance were enacted. The United States Government was ceded a piece of land on which to place a lighthouse at Cleveland. Horse-racing on public roads and highways was prohibited under heavy penalties.—Lotteries of all kinds in the state were prohibited, and persons selling tickets for outside lotteries were to be fined.—Insurance companies, which had now had a very considerable development in the state, were taxed 4 per cent of their profits and required to pay $50 per year license. Very many local laws were passed, and the session was a busy one.

The papers of the year 1830 contained a number of news items worthy of record. "The Ohio State Temperance Society" was organized at Columbus early in the year, and elected Governor Trimble its president. It was very active and its operations were thereafter conspicuously "covered" by the editors.—The Grand Lodge of Masons of the state, and the Grand Royal Arch Chapter both held sessions in January, at Worthington, doubtless in the small Masonic temple which had been built in 1820, and which stands there still in good condition, bearing the Masonic insignia.—Six convicts escaped together from the penitentiary on February 24, 1830. An anti-Jackson paper described them as "deliberately parading the streets, armed with knives and other weapons, hurrahing for Jackson and Liberty before they took themselves off!!!" But this was probably overdrawn.—General Harrison, having resigned as minister to Colombia, returned to Cincinnati in April, and was received with honors.—Six river steamboats had exploded within a few weeks prior to May 18, when the facts were published. Thirty-two persons had been scalded and sixty-eight killed in these catastrophes.—Thomas Corwin was elected to his first term in Congress. —Congress enlarged its grant of land for extending the Miami Canal northward from Dayton, and provided that the money received for them might be used to construct a railroad if the canal should be found impracticable.

The Lebanon Star of April 27, 1830, contained an account of a "Terrible Hurricane" at Urbana:

"One of the severest and most destructive storms ever known in the western country passed through the town of Urbana on Monday last. It commenced about two o'clock P. M., and such was its resistless fury that it prostrated everything in its range. Permanent brick buildings, as well as the strongest frames, were torn away from their very foundations. * * * Mrs. Bell and a sister were much injured; the first found fifty yards from the house, and an infant in her arms was carried fifty or sixty feet high and found near half a mile from the place, dashed to pieces. * * * The Presbyterian meeting house was totally demolished, and the Methodist meeting house ruined. In all fifty houses were destroyed, nine or ten being the best brick buildings."

A news account of unusual importance related an accident which befell Gen. Duncan McArthur on High Street in Columbus while he was serving as a senator from Ross County. The injuries which he then received, according to his biographer, McDonald, blighted his life inasmuch as it rendered one leg useless and made it necessary for him to have constant personal care from that time until his death in 1839. History seems to have forgotten that the last nine years of McArthur's life, in two of which he was governor of Ohio, were spent in intense suffering and finally in deep gloom. The following account of the calamity which disabled him, first appeared in the Ohio State Journal of February 10, 1830, and was copied in other papers all over the state:

"We regret to state that as General McArthur of the Senate was returning to his lodgings on Saturday evening last a shed attached to a

building opposite the state house, under which he was passing, and which was covered with snow to the depth of several inches, suddenly gave way and, falling upon him, precipitated him to the pavement. A number of persons who witnessed the accident immediately ran to his relief, and succeeded in extricating him from the mass of timbers, etc., under which he was buried; when it was found that the cap of his right knee had been forced out of its place by the violence of the fall, and that he had also received two or three severe contusions about his head and body. He was promptly removed to his lodgings, where he received every attention which his situation required, and he has since been conveyed to his residence in Ross County."

The decennial census of 1830 showed that Ohio had become the fourth state in the Union in point of population, being exceeded by New York, Pennsylvania and Virginia only. The residents of this state numbered 973,903, whereas in 1820 they had numbered 581,295—an increase of more than 60 per cent during the decade. There were now seventy-three counties, and the population was distributed among them as follows:

Adams	12,281	Logan	6,440
Allen	578	Lorain	5,696
Ashtabula	14,584	Madison	6,190
Athens	9,787	Marion	6,551
Belmont	28,627	Medina	7,500
Brown	17,867	Meigs	6,158
Butler	27,142	Mercer	1,110
Champaign	12,131	Miami	12,807
Clark	13,114	Monroe	8,768
Clermont	20,466	Montgomery	24,362
Clinton	11,436	Morgan	11,809
Columbiana	35,592	Muskingum	29,334
Coshocton	11,161	Paulding	161
Crawford	4,791	Perry	13,970
Cuyahoga	10,373	Pickaway	16,001
Darke	6,204	Pike	6,024
Delaware	11,504	Portage	18,826
Fairfield	24,786	Preble	16,291
Fayette	8,182	Putnam	230
Franklin	14,741	Richland	24,006
Gallia	9,733	Ross	24,068
Geauga	15,813	Sandusky	2,851
Greene	14,801	Scioto	8,740
Guernsey	18,036	Seneca	5,159
Hamilton	52,317	Shelby	3,671
Hancock	813	Stark	20,588
Hardin	210	Trumbull	26,153
Harrison	20,916	Tuscarawas	14,298
Henry	262	Union	3,192
Highland	16,345	Van Wert	49
Hocking	4,008	Warren	21,468
Holmes	9,135	Washington	11,731
Huron	13,341	Wayne	23,333
Jackson	5,941	Williams	387
Jefferson	22,489	Wyandot	102
Knox	17,085		
Lawrence	5,367		937,903
Licking	20,869		

The counties which had been carved out of the old Indian lands in the northwestern part of the state were still very sparsely settled, as will be readily seen in the small numbers accredited to Allen, Hancock,

Hardin, Henry, Paulding, Putnam, Van Wert, Wood, Williams and Wyandot.

The ten most populous counties were now in order, Hamilton, Columbiana, Muskingum, Belmont, Butler, Stark, Trumbull, Fairfield, Montgomery and Ross.

In eleven of the counties there had been a gain in ten years of almost, or more than, 100 per cent. All of these (Monroe excepted) were in the northern and northeastern part of the state, as will be observed in the following list:

	1820	1830
Ashtabula	7,375	14,584
Geauga	7,791	15,813
Huron	6,675	13,341
Knox	8,326	17,085
Logan	3,181	6,440
Medina	3,082	7,560
Monroe	4,645	8,768
Morrow	5,297	11,800
Richland	9,169	24,006
Stark	12,046	26,588
Wayne	11,933	23,333

ADMINISTRATION OF GOVERNOR DUNCAN McARTHUR

Twenty-ninth Legislative Session

December 6, 1830, to March 14, 1831

The Senate organized with Samuel R. Miller, of Hamilton County, as speaker, and the House honored James M. Bell, of Guernsey, in the same manner. Miller was never conspicuous, and Bell received no further distinction than that which came to him from one term served in Congress.

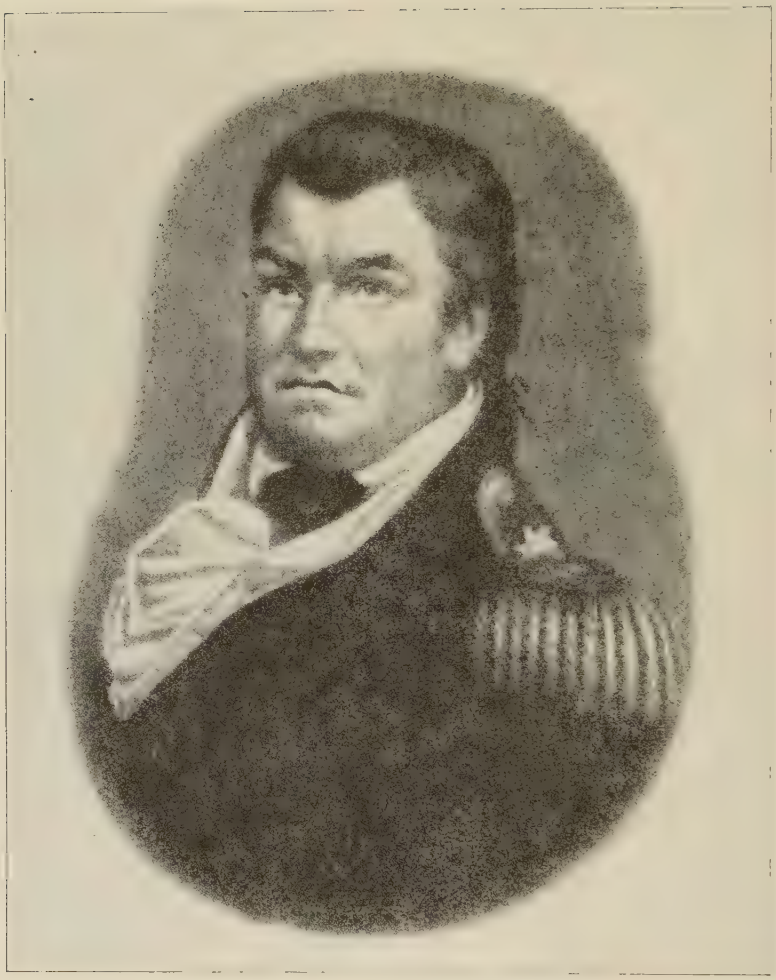
Governor Trimble, who, as noted before, was president of the Ohio State Temperance Society, devoted a large part of his final annual message to deploring the evils of the liquor traffic. He advocated legislation which would induce those engaged in the liquor traffic to enter into some other business.

During the fall campaign the candidates for governor had been General Duncan McArthur and Robert Lucas. The contest had not attracted as much editorial attention as usual, and the total vote cast was smaller than it had been two years before. McArthur received 49,668 votes, and Lucas, 49,186, a difference of only 482.

Railroads had been receiving more attention, and two applications were received at this session for the incorporation of companies to operate them. The first was to run from Sandusky to Dayton, with a branch to Columbus. A bill was introduced to incorporate it. The committee to whom it was referred made no recommendation, and it was not heard of again. Later a favorable report was made on a similar bill to incorporate one called the Lake Erie Railroad Company, but it did not materialize. Both of these projects contemplated the use of horses to move the cars.

Thomas Ewing, of Lancaster, was first elected to the United States Senate by this assembly, and remained there ten years, when he became secretary of the treasury of the United States. In 1849 he was appointed secretary of the interior, and a few years later was again returned to the United States Senate. He lived until 1871.

Jeremiah McLene, who had been secretary of state of Ohio for twenty-three years, was now succeeded by Moses H. Kirby, who defeated him on the sixth ballot. The following year McLene was sent



DUNCAN MCARTHUR

Governor December 18, 1830—December 7, 1832. Born January 14, 1772; died April 28, 1840. Member House of Representatives; brigadier-general War of 1812; member of Congress.

to Congress by the capital district, and remained there until his death in 1837.

Judge Ebenezer Lane, of Norwalk, was elevated to the Supreme bench at this session and remained there many years. John C. Wright, of Cincinnati, who also became a Supreme judge, was a man of great prominence. He had for many years been owner of the Cincinnati Gazette, had served in Congress since 1823, and his usefulness as a citizen did not cease until thirty years after this time. He died in 1861, after having been a very active delegate to the Peace Congress held in that year.

The time of this Legislature was consumed almost entirely in revising old laws and codifying the enactments to date. The new provisions were chiefly amendments to the new tax law; a large number of previously untaxed properties were brought within its scope, including mills and factories, money loaned at interest, and stocks and interests in steamboats. For the first time it was required that all taxable property should be assessed "at its true value in money."

The political pot was kept at the boiling point. The newspapers were filled with accounts of the doings of General Jackson's administration. There was an explosion when the cabinet members all resigned, and another when Jackson and his vice president, John C. Calhoun, became greatly estranged.

Work continued steadily on the canals, and prosperity reigned wherever their influence for easy transportation was manifest. A good deal was made of the fact that eight convicts working on the Columbus canal feeder escaped, and a storm of criticism arose against the Legislature for not providing a better prison in which they could be safely kept at constant work for the profit of the state.

But, all in all, it was an uneventful year in Ohio. The astronomers of those days were as well able as their modern successors to predict eclipses, and with the same accuracy. One of the sun occurred on the 12th of February, at which the papers announced, both before and after it happened, that "eleven inches of the lower south limb of the sun" was shaded. And in the evening of August 23d "five and four-fifths inches of the upper north limb of the moon" was darkened.

Thirtieth Legislative Session

December 5, 1831, to February 13, 1832

Two entirely new names appeared on the records as speakers of the houses—William Doherty, of Franklin County, in the Senate; and William B. Hubbard, of Belmont, in the House of Representatives. Both had been members of previous assemblies, but never acquired prominence in other offices.

Governor McArthur's first annual message dealt largely in financial matters. He stated that the canal debt consisted of $1,400,000, money borrowed in financial districts outside of Ohio, and $257,128 borrowed from other state funds—principally from taxes received for the schools. The interest charges were $275,427.68 per year. The chief part of the debt was irreducible until after 1850.

The National Road was now finished to Zanesville, without prospects of being extended further west for the present. There was a strong demand for another national road commencing at Zanesville and passing through Somerset, Lancaster, Chillicothe, and West Union in Ohio, across the river to Maysville, Paris and Lexington, Kentucky, and thence on to Nashville, Tennessee. The Ohio assembly memorialized Congress to provide this road, and an act was passed to construct it, but it was vetoed by President Jackson; and this was thought to have lost him many friends in the western country.

This assembly incorporated eleven companies to construct and operate

railroads. They were to be located in many parts of the state, but, so far as records disclose, no attempt was ever made to construct one of them. The laws were identical in their general provisions—condemning the right of way, declaring that the tolls should not be higher than those paid on the canals, permitting citizens to drive over them in their own "proper and suitable carriages," and right of the state to acquire them after twenty years by paying original cost and interest. They were "to carry persons and property by power of steam, of animals, or any other mechanical force or power, or any combination of them." It was a curious instance of groping around a project of the possibilities of which nobody had any information, and appears to have been proposed merely to make preparation for anything in the way of transportation on tracks which might develop later.

On February 8, 1832, an act was passed ordering the erection of an entirely new penitentiary in Columbus on the east side of the Scioto River. It was to be large enough to accommodate 500 convicts, each in a single cell, and the cost was limited to $60,000. This was the first step in the establishment of the present state prison, which at various times since has been greatly increased in size and capacity.

When the assembly adjourned it was to meet in special session on June 4, for the purpose of dividing the state into new congressional districts, to be based upon the new census and the act of Congress in determining the unit of representation. The adjourned session began on the day designated and ended ten days later. Ohio had been allowed nineteen congressmen, and the Legislature designated what counties should be included in each of the districts to elect them.

The press of 1832 devoted a good deal of attention to the subject of the penitentiary. The first one was utterly inadequate in size, had suffered greatly from a fire, was evidently badly managed, was a great expense, and did not seem to offer very great obstacles to criminals who desired to escape from it. Besides, it was doing nothing in the way of reformation of the prisoners. Reports of investigations made by the directors were spread over the pages of the newspapers. One of these was an elaborate account of the methods in vogue for disciplining the convicts at the Auburn prison in New York State, which was regarded as a model, and its principles and methods were adopted by Ohio.

Occurrences at Washington continued to be of consuming interest to the people and editors of Ohio. One which directly concerned them was a vicious physical assault, with a bludgeon, upon Congressman William Stansberry, of Newark, by Samuel Houston, previously a congressman from Tennessee, afterwards famous in the history of Texas, of which republic he was president before it was admitted to the Union as a state. Stansberry reported the facts to the speaker of the House, from his bed where he was confined by his injuries. Houston was arrested by order of a resolution by that body, found guilty of "contempt and violation of the privilege of the house," and reprimanded by the speaker. A Washington court later fined him $500. At the trial by the House of Representatives Stansberry offered to prove by witnesses that President Jackson had encouraged this assault upon him because of words he had used in an address in the House, as well as many other acts of violence which the anti-Jackson papers of Ohio termed "a reign of terror" brought on by the Jacksonian partisans.

Cholera, which has raged in the East for some months before, reached Cincinnati in October of this year 1832. One hundred and fourteen deaths occurred there between the 12th and 16th, and 158 between the 18th and 24th of that month. It spread to other cities also, and to the penitentiary. Prior to its appearance in Ohio, Governor McArthur, at the request of many ministers of the Gospel, issued a proclamation appointing Thursday, September 13, "to be set aside for

fasting, humiliation and prayer to God that He may avert from us this dreadful malady, which has proved so fatal."

The political battle raged fiercely in Ohio during most of the year. At the election in November the presidential vote in the state was: Jackson, democrat, 81,246; Clay, national republican, 76,539; William Wirt, anti-Mason, 509. The total vote cast in the state was 158,294.

ADMINISTRATION OF GOVERNOR ROBERT LUCAS

Thirty-first Legislative Session

December 3, 1832, to February 25, 1833

Samuel R. Miller, of Hamilton County, was elected speaker of the Senate, and David Disney, who had been elected some years before as representative in the lower house by the mechanics of Cincinnati, was now made speaker of that body.

Governor McArthur took occasion on this, the thirtieth anniversary of the admission of Ohio into the union of the states, to review its history and to congratulate the people upon the great progress made. Nullification of a law of the nation had just been declared by a convention in South Carolina, and Governor McArthur greatly deprecated this.

The vote for governor had been: Robert Lucas, 71,251; Darius Lyman, 63,185; scattering, 33. McArthur, doubtless because of his crippled and enfeebled condition, had declined to be a candidate for a second term. Governor Lucas was duly inaugurated, and delivered his address before the assembly in joint session.

The adjutant-general reported the Ohio military establishment as now consisting of seventeen divisions, fifty-four brigades, 178 regiments, thirty-six battalions, sixteen squadrons of cavalry. The pensonnel was: 6,131 commissioned officers, 126,030 non-commissioned officers, musicians and privates. Total, 132,161. Armament—18,550 rifles, thirteen pieces of artillery.

The new deaf and dumb asylum was reported as containing thirty-two pupils, seventeen of whom were supported entirely by the state; the rest were paying for tuition and maintenance. The total receipts for the year had been $7,088, and expenditures, $3,957.

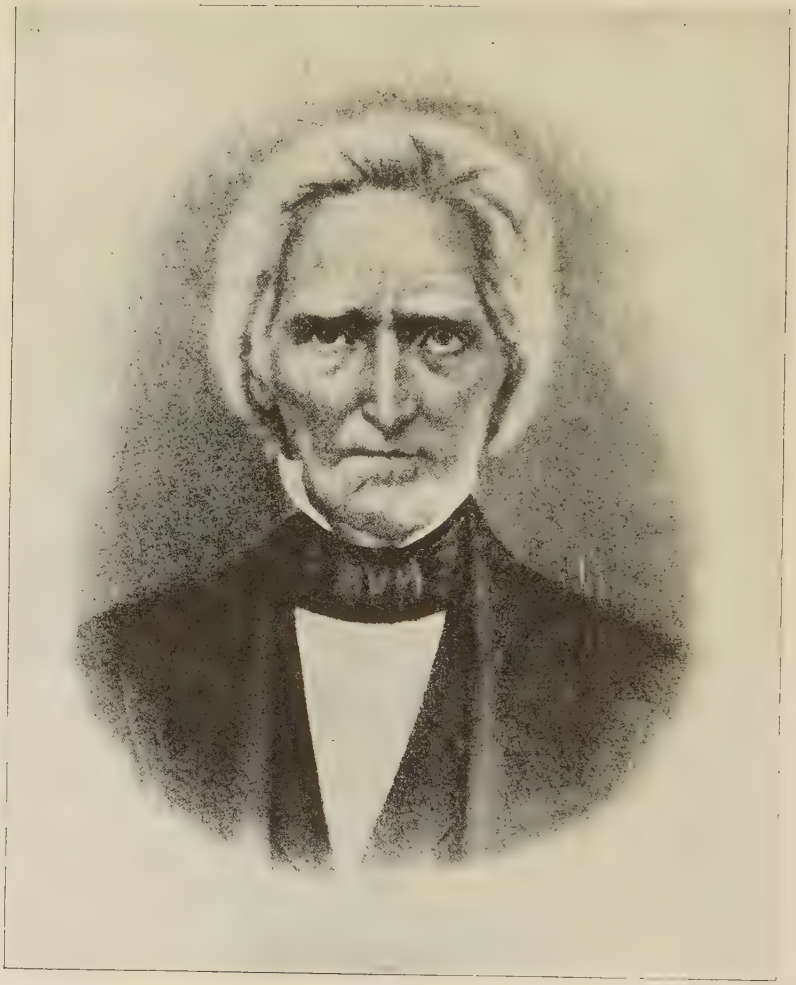
Thomas Morris was elected United States Senator to succeed Benjamin Ruggles. Reuben Wood was made a judge of the Supreme Court after a stubborn contest in which nineteen ballots had been taken. Ralph Osborn, who had been state auditor for eighteen years, was now succeeded by John A. Bryan.

Carroll County was erected, taken from territory in Columbiana, Stark, Tuscarawas, Harrison and Jefferson counties.

The general assembly passed an act authorizing and encouraging the organization of county agricultural societies. This law was promptly taken advantage of, and within a year afterwards several of these local societies were in active operation.

The excitement in Ohio over the nullification act of South Carolina was intense. The assembly adopted a resolution condemning it, and the papers, even those which were most bitterly opposed to General Jackson, frankly commended his vigorous course against it. His proclamation against it, which filled more than ten columns, and his subsequent message to Congress, which filled six more, were published, with extended favorable comment.

No very unusual events in the state occupied space in the journals of this year. The famous Siamese twins, Chang and Eng, then youths, were first exhibited in various towns of Ohio and aroused much curiosity, as they did for more than forty years thereafter.—Another destructive tornado visited the state in April, between Dayton and the Indiana line. Although no lives were lost, great damage was done to property.



ROBERT LUCAS

Governor December 7, 1832—December 13, 1836. Born April 1, 1781; died February 7, 1853. Member Ohio House and Senate; governor Territory of Iowa.

LaFayette's Visit to Ohio

A distinguished statesman has said that the reformer and his reform seldom triumph together. He is therefore peculiarly fortunate who devotes his life to the service of humanity and lives to see a nation rise and hail him as a benefactor. To merit the need of praise brings always to the soul properly attuned something of happiness; to deserve the gratitude of mankind and receive it is the acme of human felicity.

Such was the rare fortune of the knightly Lafayette, who left wealth and ease in France and came, when a mere boy, to America to aid our forefathers in their struggle for independence; who saw the cause that he had espoused triumph at Yorktown; who, after the flight of years, revisited our shores as a private citizen and was everywhere received with spontaneous manifestations of patriotic joy.

A new generation came forth to greet him. The voice of faction ceased; the spirit of '76 lived again; gratitude and patriotism raised triumphal arches and strewed his way with flowers. As he passed along the people with one acclaim showered down upon him the benediction of their great love. The poet spoke for all in the familiar lines:

> We bow not the neck
> And we bend not the knee;
> But our hearts, Lafayette,
> We surrender to thee.

Says Sumner, "It belongs to the glory of Lafayette that he inspired this sentiment, and it belongs to the glory of our country to have felt it." From the hour that he landed on Staten Island under a beautiful rainbow, nature's auspicious greeting, his was more than a triumphal progress. Such a spectacle the world never witnessed before; such it may not witness again, until the service of humanity becomes the master passion of great souls.

Through the vista of years we see the modest joyful veteran as he passed from city to city. Age and the vicissitudes of an eventful life had left scarcely a furrow on his brow. The tenderness of his great heart beamed from every feature. In the midst of thronging thousands he stooped to kiss the little child and paused to shed a sympathetic tear as he grasped the hand of the war-worn comrade of other days.

In the latter part of February, 1825, he started from the national capital on his Southern and Western tour, that his itinerary might include every state in the Union. Down the Potomac and the Chesapeake, through Virginia and the Carolinas, down to the sunny south-land he journeyed to meet the early spring. Over him were clement skies; around him the picturesque wilderness wafting down its tribute on balmy breezes redolent with the fragrance of flowers and vibrant with the melody of birds. To the welcome of nature was added the welcome of her children. The untamed Indian, the untutored slave and the hardy pioneer seemed to forget distinctions in the effusive greetings that they tendered to the friend of all mankind.

Out from the bay of Mobile the vessel steamed and bore him to New Orleans the French-American city that welcomed him in a delirium of joy. Up the "Father of Waters" he came, visiting new states, then the Western frontier of civilization, and marveling at the prodigies of progress in the wilderness. As his delighted eye dwelt upon the happy prospect, he forgot age and fatigue and felt bounding through his veins again the enthusiasm of revolutionary days. In what had been the Northwest Territory he rejoiced to see the principles that claimed his youthful heart embodied in the structures of three noble states, prophetic of what the greater republic was to be when slavery under the flag should cease and liberty should become universal in America.

Up our beautiful Ohio he came. The sinking of the vessel that bore him, fraught with danger to the passengers, formed only an interest-

ing diversion. Overland he journeyed from Louisville to Frankfort, Kentucky; thence northward, and on the morning of May 19, 1825, in the midst of a retinue of followers, he stood on the river shore and beheld, for the first time, the Queen City of the West.

His visit had been expected. For days the citizens had eagerly awaited the news of his coming. Floating rumors and a premature signal revealed the tense interest that practically suspended business in anticipation of the arrival of the nation's guest.

The day was auspicious. The sky was cloudless. The spirit of peace came down on the expectant landscape and laughing waters. The city, ever beautiful in May, was passing fair on that bright morning. At a signal a splendid barge, equipped and manned for the occasion, crossed the river and landed on the shore opposite. As the prow gracefully turned toward the city again, the batteries on the river bank thundered their welcome. Cheer after cheer went up from the thousands that lined the water's edge; the demonstration became more enthusiastic as the barge approached. The scene at the landing, as described by an eye witness, was worthy the genius that transferred it to canvas.[1]

As Lafayette stepped ashore Governor Morrow grasped him by the hand and in behalf of Ohio delivered an address of welcome. In concluding he said, "With feelings of gratitude and veneration common to our fellow citizens throughout the United States, we hail you, General, as the early and constant friend of our country, of national liberty, and the rights of man."

Facing the vast throng Lafayette made the following response to the greeting:

"The highest reward that can be bestowed on a revolutionary veteran is to welcome him to a sight of the blessings which have issued from our struggle for independence, freedom and equal rights. Where can those enjoyments be more complete than in the State of Ohio where, even among the prodigies of American progress, we are so particularly to admire the rapid and wonderful results of free institutions, free spirit and free industry; and where I am received by the people, and in their name by the chief magistrate, with an affection and concourse of public kindness which fills my heart with most lively sentiments of gratitude? While I am highly obliged for your having come so far to meet me, I much regret the impossibility to present to you my acknowledgments, as I had intended, at the seat of government. You know, sir, the citizens of the state know, by what engagements, by what sacred duties, I am bound to the solemn celebration of a half secular anniversary, equally interesting to the whole Union.[2] I offer you, sir, my respectful thanks for the kind and gratifying manner in which you have been pleased to express your own and your people's welcome. Permit me here to offer the tribute of my grateful devotion and respect to the happy citizens of the State of Ohio."

The soldiers stood in open order and presented arms while the general proceeded in a "Barouche and four" accompanied by his son, George Washington Lafayette, an escort from Kentucky and the city authorities, to a platform in front of the Cincinnati Hotel, where he was received by the local committee. The whole common in front of the city presented an unbroken mass of citizens, anxiously looking for the object of their admiration and occasionally raising their voices in shouts of the most enthusiastic joy. Ladies thronged the doors, windows and balconies of the adjacent buildings. Handkerchiefs fluttered, flags waved, the crowd swayed and the troops with military precision performed their evolutions, as the general and his party mounted the platform. Here he was warmly greeted by a number of old revolutionary soldiers and prominent citizens

[1]"General Lafayette's landing and reception in Cincinnati" was painted by August Jean Hervieu.

[2]Laying of the corner stone of the Bunker Hill monument on the fiftieth anniversary of the battle.

of the state. General William Henry Harrison voiced the welcome of the city. He said in part:

"There is no deception, general, in the appearances of prosperity which are before you. This flourishing city was not built, like the proud capital of the frozen Neva, by command of a despot directing the labor of obedient millions. It has been reared by the hands of freemen. These crowded streets are filled with the inhabitants of this city and its vicinity, and are a part of the 700,000 Christian people who daily offer up their orisons to heaven for the innumerable blessings they enjoy. The youth who form your guard of honor are a detachment of the 100,000 enrolled freemen whose manly bosoms are the only ramparts of our state. They have all assembled to present the free-will offering of their affections to the benefactor of their country.

"Happy chief! how different must be your feelings from those of the most distinguished commander who in the proudest days of Rome conducted to the capitol the miserable and the glittering spoils of an unrighteous war. This, your triumph, has not brought to the millions who witness it a single painful emotion.

"Happy man! the influence of your example will extend beyond the tomb. Your fame, associated with that of Washington and Bolivar, will convince some future Caesar that the path of duty is the path of true glory, and that the character of the warrior can never be complete without faithfully fulfilling the character of the citizen."

The general was visibly affected. After the applause had died away he made a fitting reply, concluding with a reference to his comrades of other days. "Here also," he said, "I meet revolutionary companions in arms and the sons of old friends the sound of whose names is most dear to me."

At the conclusion of the ceremonies the general held an informal reception in the hotel. Early in the evening he attended the Masonic Lodge bearing his name which had been organized in anticipation of his visit, and of which he was made an honorary member. Later he witnessed a brilliant exhibition of fireworks at the Globe Inn, and on his return visited the Western Museum which was brilliantly illuminated in his honor as was the entire city.

Early the next morning the streets were thronged with people. The Sabbath school children were given precedence in the parade. With waving banners they marched forth and formed in a hollow square to receive the general. As he approached two hundred little girls strewed flowers in his way. Reverend Ruter spoke on behalf of the schools. "The rising generation of our land" said he, "cherish and will transmit to posterity a grateful remembrance of your sufferings and achievements in the sacred cause of freedom. All hearts greet you, and perhaps none with more sincerity than these juvenile companies gathered from our schools."

Here a touching incident occurred. Lafayette was about to reply to the address when the children pressed around him, eagerly stretched out their little hands to him and filled the air with their cries of joy. This manifestation of affection was especially gratifying to him and he received their caresses with the tenderness of a parent who returns to his family after a long absence. He then replied to Doctor Ruter's address. "Amidst the affectionate and universal greetings from the people of Ohio," he said, "I have with peculiar delight noticed the eagerness and warmth of juvenile feelings in behalf of an old American soldier." He then congratulated the children that "their eyes first opened on the public prosperity and domestic happiness which are the blessed lot of this American land."

The grand procession was then formed. The military companies came first in their brilliant uniforms. Next came the labor organizations with appropriate banners; printers, cordwainers, hatters, shipwrights, carpenters, engravers, saddlers and other societies numbering in all more than thirty. The shipwrights several of whom carried miniature boats

on their shoulders,, were preceded by the barge in which the general had crossed the river. It was now mounted on wheels, drawn by horse, manned by its crew, and decorated with the stars and stripes. In the stern was painted "Yorktown, October 19, 1781."

After marching through the principal streets, the procession halted on the open plain back of the city. Here the general and his suite were conducted to a large and beautiful pavilion decorated with roses and evergreens and sufficiently elevated to command a view of the surrounding multitude. After the general was seated and silence had succeeded the applause, Samuel M. Lee stepped forward and sang to the air of the Marseillaise Hymn an ode which had been composed for the occasion:

With wealth and conquest grown delirious
  A foreign despot seized the rod,
And bade us in a tone imperious
  To bow submissive to his nod.
His hostile navies plowed the ocean,
  His threatening armies thronged our shore;
  But when we heard his cannon roar,
Thousands exclaimed with one emotion,
  "Columbia's sons, to arms!
  Oh who would be a slave!
March on, march on, unchecked, unawed,
  To freedom or the grave."

The god of battles from his dwelling
  Of light and glory in the skies,
Heard from a thousand temples swelling
  Our heartfelt prayers and praises rise,
And nerved each arm inspired each spirit
  To fight, to conquer and be free
  And bade each son of liberty
His father's free born soul inherit.
  "Columbia's sons, etc.

See, one by one those heirs of glory,
  Forever fled their health and bloom,
In freedom's cause grown weak and hoary,
  Descending to the patriot's tomb.
But yet of this great constellation
  A few bright planets have no set,
  We yet behold thee Lafayette!
The guest and glory of our nation.
  "Columbia's sons, etc.

From a stand opposite the pavilion Joseph D. Benham, the orator of the day, delivered a scholarly and patriotic address. His manly presence commanded attention and his sonorous voice gradually increasing in volume reached the limits of the vast assembly. Liberty, progress and the devotion of Lafayette to both were his inspiring themes. In comparing the world's heroes he said:

"Most nations, when tyranny becomes intolerable, have had their benefactors and deliverers—daring spirits whom no dangers could appall, no difficulties dismay. Scotland had her Wallace; Switzerland her Tell; Poland, dismembered, prostrate Poland her Kosciusko; and America, thrice happy America, her Washington. But these immortal champions of human freedom were inspired by an ardent love of country to save from pollution their household gods and their altars. Lafayette, inspired by the same enthusiastic love of liberty and prompted by a generous disinterested sympathy, at the age of nineteen, relinquished the charms of nobility, the ease of affluence and the endearment of friends, home and

country—crossed the ocean and in the spirit of chivalry sustained with his fortune and his blood, our fathers in their doubtful struggle for emancipation."

In the evening the general attended the theatre, and with pleasure listened to a poem in his honor, written by Morgan Neville, son of his former aid-de-camp and maternal grandson of Daniel Morgan, the famous revolutionary general. He also attended a ball given in his honor. As the evening advanced increasing crowds thronged about the room to see him once more and join in the universal "God speed" as he passed to the vessel that was soon to bear him away. Inside the room, fragrant with the breath of spring flowers tastefully arranged in the decorations, he was engaged in conversation with General Scott and other distinguished men. The eyes of all present were upon him, and many passed within the sound of his voice to catch some word to be treasured in memory and repeated, with the story of his visit, at the firesides of succeeding generations.

The clock struck the midnight hour. The general, his party and many friends embarked on the Herald amid the booming of artillery, the prolonged cheers and affectionate farewells of the multitude that thronged the shores. Slowly and majestically the vessel swayed from its moorings, moved past the twinkling lights along the shore, out of the city, under the quiet stars, and over the quiet stars reflected in the placid river.

It was Lafayette's original intention to proceed over land to Columbus and thence to Wheeling. His itinerary, in addition to the state capital, included Chillicothe, Lancaster and Zanesville. Preparations had been made at these points to welcome him, but finding the time at his disposal too short for the journey he proceeded up the river, passing Portsmouth and making a short stop at Gallipolis. At the latter place he was entertained at the home of Congressman Samuel F. Vinton. Mr. Vinton was in Washington but the general was kindly received by the family, and Mrs. Vinton, remaining at his side till he departed for the vessel, insisted on accompanying him to the landing.

Leaving this interesting town, founded by his countrymen, the general proceeded up the river. Passing the island that bears the name of the ill fated Blannerhassett and other spots famous in the pioneer history of America, he came, on the morning of May 23, to Marietta where many years before revolutionary compatriots had laid the foundations of the first permanent settlement in Ohio.

As the vessel approached the landing a gun was fired as a signal that Lafayette was on board; a little later his name was seen in large letters across the bow. The news spread rapidly, and the people crowded to the wharf to welcome the illustrious visitor. His coming was a surprise as it was generally understood that Marietta was not in the line of his tour. Some citizens, however, seemed to have anticipated the visit, for a reception committee with Nahum Ward as chairman, had been appointed to act in such a contingency.

A procession was quickly formed and Lafayette was escorted to Mr. Ward's home. Cannon and bells continued to peal a noisy welcome. The schools were dismissed and the children came to meet the hero of whom they had heard so much since his landing in America. In Mr. Ward's home the general was warmly greeted by many citizens including many revolutionary soldiers. It was of the latter and their comrades who established the settlement at Marietta that he said:

"I knew them all. I saw them at the Brandywine, at Yorktown and Rhode Island. They were the bravest of the brave."

The crowd outside ranged themselves in two long lines, down which and back again Lafayette passed to shake hands with each and all. The children were not forgotten, and some of the "wee ones" were tenderly lifted in his arms and affectionately kissed.

Expressing regret that his visit was necessarily brief, the general went

aboard his vessel again while practically the whole population of the town cheered from the shore and the artillery sent down a farewell salute that echoed and reechoed among the historic hills.

The following day dawned without a cloud. Over the Virginian hills the sun gradually rose into the clear sky. From the forest fringed shores came the song of birds and the fragrance of flowers. In the changing panorama presented by the winding river, the morning hours passed rapidly. Those on deck were looking forward to catch the first glimpse of the flourishing town of Wheeling. Before they saw the place the ringing of bells announced that their visit was anticipated. And now the town dawned on their view, beautiful in holiday attire and radiant in the sunshine of May.

At the formal reception when the party had landed, Judge Alexander Caldwell delivered the address of welcome. Lafayette, in his usual felicitous manner, responded. It was here that in paying a tribute to republican institutions he said:

"During my long absence the people of the United States have established a government founded on broad and just principles, having liberty as its basis and the happiness of the community for its aim. Such a government deserves to be perpetuated through all future time. May all nations profit by it; may its example have no other limit than the globe itself."

A day of celebration closed with an evening of festivity. On the following morning Lafayette and his companions started by stage for Washington, Pennsylvania, and the Ohio fields and hills, which for a week had gladdened his eye, faded forever from sight beyond the "River Beautiful."

The memory of Lafayette has been a cherished heritage and his example an inspiration to America. Gratitude for his unselfish services and emulation of his devotion to liberty powerfully appealed to the soldier sons of the Republic and made them invincible on the far-flung battle line of France.

A critic who depreciated his claims to distinguished merit could not deny the magic influence of his name in the World war. "No single phenomenon" we are told, "of America's participation in the great war has been more striking than the instant response in the average American heart to the name of Lafayette."

And this sentiment was not the expression of youthful imagination in quest of chivalric adventure. It reached all who were advancing to join the allied hosts in their supreme effort to rescue civilization and overthrow autocracy.

When General Pershing advanced with a small vanguard to Paris and was conducted by the high officials of the French government to the tomb of Lafayette, in simple language and in a single sentence he delivered the message that thrilled every American heart and stimulated the khaki-clad legions to quickened step and high resolve as they marched by millions to the theatre of war. What could be more eloquently appealing than the words of the commander of the advancing American hosts:

"Lafayette, we are here."

But before General Pershing had reached Paris, to many Americans, France in her dire extremity had come to mean Lafayette and a debt of gratitude for heroic services in the darkest hour of the Revolution.

When the delegation from the Allied nations came to America shortly after the United States declared war, and were accorded a great public reception in front of the State House at Columbus, Governor James M. Cox extended the welcome of Ohio and assurances of prompt and vigorous cooperation in the prosecution of the war. In addressing General Joffre, the hero of the Marne, he recalled with fine effect Lafayette's tribute to our government at Wheeling ninety-two years before.

The name of Lafayette in Ohio, the Nation and the world, after the

flight of a century is a living influence for good, an inspiration to knightly endeavor, a beacon light on the promontory of the past that beams with never fading and beneficent ray down the vista of the years.

Thirty-Second Legislative Session

December 2, 1833, to March 3, 1834

The Senate elected David T. Disney, of Hamilton County, its speaker. His constituents had promoted him from the Lower House, where he had served as presiding officer the previous year. John H. Keith, of Muskingum County, was chosen speaker of the House of Representatives.

The directors of the penitentiary reported progress in the erection of the buildings on the new site, although cholera had interfered with the work. Because of the epidemic many mechanics and artisans had fled from their tasks, and for a while work had to be suspended.

An enterprise which for almost a score of years had been occupying the serious attention of many men in Ohio was now completed, and official report of that fact was made to the Assembly. This was the canal which removed the difficulties in passing the "Falls of the Ohio" at Louisville. Attempts had been made to construct such a canal on the Indiana side, but without success. One on the Kentucky side of the river had solved the great problem of providing uninterrupted navigation. The tolls collected for passages through the canal had already reached the sum of $60,736.92 for 1,950 passages of steamboats and 719 flat and keel boats through the artificial channel.

Legislation by this Assembly was unimportant, pertaining almost entirely to local matters. More railroad companies were incorporated, although not one road had been constructed, so far as the records disclose.

The newspapers of the year made much of the Louisville Canal, and gave their readers interesting facts about it and the business done on it. One hundred and sixty-two different steamboats had passed through it, each making twelve trips. Of these boats, seven averaged each 436 tons burden; seven, each 330 tons; thirteen, each 263 tons; seventy-seven each 143 tons, and fifty-eight, each 80 tons burden. The Cincinnati Advertiser noted that during the previous ten years the number of Ohio steamboats had increased four-fold, and the number of passages by them had increased five-fold.

The people of the state were told by their journals, referring to Aaron Burr, the "great conspirator" of almost thirty years before, that "the long and troubled career of this gifted but wretched man approaches its close," and in many articles they revived memories of his experiences in the West and Southwest.

Thomas Corwin, of Lebanon, was attracting great attention in Congress in the year 1834, for his brilliant speeches there, and the Ohio editors and people took great pride in him. One of his addresses concerning the nation's finances and the withdrawal by President Jackson of the Government deposits from the United States Bank, filled two full pages in the papers and was read with great avidity, if we may judge by the letters to the editors which appeared.

Great interest was shown in the announcement this year of the death of Sir Walter Scott. The readers of Ohio were very familiar with his "Ivanhoe," "Quentin Durward," "The Talisman," and all the others, and the old question, "Who is the author of Waverly?" had been asked as anxiously by the people of Ohio as by those in England and the East. The papers here had made prominent mention, some years before, of Sir Walter's acknowledgment that he had written those fascinating romances.

The new state prison had been finished by the end of 1834. The news writers contributed full descriptions of it and gave many facts

concerning it. The convicts had taken an important part in its construction, a total of 26,231 days' work having been done by them, for which the state was charged $29,886.50 by the prison directors. When the old prison was abandoned on November 15, 1834, 185 convicts were transferred to the new one.

Thirty-Third Legislative Session

December 1, 1834, to March 9, 1835

Peter Hitchcock, of Geauga County, who had been speaker of the Senate eighteen years before, who had since been congressman for two years and Supreme Court judge for fourteen, was once more presiding officer of the Senate. He was again placed on the Supreme Bench by this Assembly. John M. Creed, of Fairfield County, was speaker of the House of Representatives.

There had been another gubernatorial election, at which 138,190 votes had been cast—20,000 less than for President two years before. Governor Lucas, democrat, received 71,291; James Findlay, whig, of Cincinnati, 67,414, and 38 were reported as "scattering." Findlay had been a congressman during the previous eight years.

The anti-Masonry agitation, which swept the country at this period, found its way into the Ohio General Assembly in the form of many petitions demanding an investigation into the "character and operations" of that order. A select committee was appointed in the House to consider them. Its report recommended merely that the whole question be submitted "to the salutary action of enlightened public opinion," and no further attention was given the subject.

Joseph Whitehill was made state treasurer, which office he filled through the next twelve years. He succeeded Henry Brown, who had served continuously in the place for twelve years previously.

The state board of equalization fixed the taxable value of the lands of the state at $75,760,797.

The dispute over the boundary line between Michigan and Ohio, which had been growing for some years, reached a very serious stage in this year 1835, and a special session of the General Assembly was called by the governor to meet on the 8th of June and take action. Immediately upon convening it received a strong message from Governor Lucas, accompanied by a great number of official documents, asking the Assembly to adopt measures which would insure the maintenance of the rights of Ohio in the case. Steps were taken to mobilize the entire military force of the state, ready to move upon instant notice, and a strong force actually was sent to Toledo, the central point of the dispute, Governor Lucas commanding them in person. The governor of Michigan Territory also was determined and active, and a collision of armed forces seemed imminent. The Ohio Assembly passed an act appropriating $300,000 to enable the governor to carry out such measures as he should deem necessary.

Fortunately, there was no actual clash at arms, but a few men were wounded in individual personal encounters. The entire controversy was finally submitted to three commissioners on the part of Ohio, to act with the United States authorities, and in the end the claim as to territory made by Ohio was confirmed. If Michigan had been successful in this dispute some hundreds of square miles, including the location of Toledo, would now be a part of the State of Michigan.

This Ohio-Michigan dispute was the subject of much attention on the part of the newspapers. They published pages of documents and news, and editorially upheld Governor Lucas in his belligerent attitude.

Railroads were attracting increasing interest. None had been actually built in the state, notwithstanding the large number of companies incorporated for the purpose. The Hamilton Intelligencer of January 1, 1835, voiced a general sentiment when it referred to "the railroad fever

which has become so prevalent in almost every part of the Union." It remarked that "we have some doubts both as to the practicability and expediency of a railroad," but added: "Should the enterprise of our citizens prompt them to renew their undertaking we trust they will 'go ahead' upon the railroad principle; for as Byron says,

> 'There is nothing gives a man such spirits,
> Leavening his blood as Cayenne doth a curry,
> As going at full speed.' "

The "go ahead" quotation in this editorial was from the famous aphorism of Davy Crockett, which advocated first being "sure you're right." This celebrated backwoodsman was at that time very greatly in public favor. A paragraph which tickled the sense of humor of the people, copied into Ohio from an Eastern journal, was as follows:

"Crockett on Railroads.—Colonel Crockett's notion of railroad speed is somewhat ludicrous. He says, 'I can only judge of the speed of the cars by putting my head out to spit, which I did, and overtook it so quick that it hit me smack in the face.' "

A few locomotives had been brought into use in Eastern states, and a lively and entertaining account of a contest of speed appeared in the Ohio papers, copied from the Herald of Frederick, Maryland, a town about fifty miles west of Baltimore, on the Baltimore & Ohio Railroad. This enterprise had had its inception some years before, as has been noted in these chronicles, but during the intervening time the rails apparently had been laid only as far as Frederick. The Herald's story was as follows:

"Teams vs. Steam

"Quite an animated contest has been carried on for several weeks past between those enterprising mail coach proprietors, Stockton and Stokes, and the Baltimore and Ohio Railroad Company, in the transportation of passengers between this city and Baltimore, which has caused considerable excitement among our citizens, who watch the arrival of the cars and stages with much interest. On one day the stage will arrive full of passengers, at a slapping pace, full thirty minutes before the cars. The next day they come out neck and neck—or rather neck and boiler. On the third the steamer is ahead, and dashes up to the depot like a thunder cloud with a streak of lightning attached to it—or a dog with a tin pot tied to his tail. 'Hurrah for Stokes!' 'Hurrah, Steam!' are now screamed out from many throats, with as much fervor as ever was the battle cry of Richard Cœur d' Lion.

"How long this steam and team contest will last we cannot say—for one of the parties seems to delight in hot water, and the other is determined not to break down whilst a wheel is left between this and Wheeling. But little we reck if it is continued as long as the Trojan war, for it is rife with benefits to the editors on the route and enables us to receive the eastern mail some hours earlier than formerly.

"The opposition of Messrs. Stockton and Stokes was caused by what they deem an extravagant demand by the Railroad Company for carrying the mail between Frederick and Baltimore. As to the merits of the case we know nothing, but we learn that the experiment of Messrs. Stockton and Stokes has thus far been liberally patronized and bids fair to continue to do so."

Thirty-Fourth Legislative Session

December 7, 1835, to March 14, 1836

The Senate named Elijah Vance, of Butler County, its speaker; and the House placed William Sawyer, of Montgomery County, to preside

over its deliberations. A man afterwards noted in the state was made clerk of the Senate—John Brough, editor of papers in Marietta and in Lancaster, later auditor of state for six years, then a lawyer and newspaper publisher in Cincinnati, president of two railroads, and finally governor of the state. He was at this time a democrat, much hated by the whigs, who dubbed him "Fat Johnny Brough." He was a very conspicuous figure in Ohio for thirty years prior to his death in 1865.

The names of two other men of great celebrity in later annals of Ohio also appeared for the first time in the records of this Assembly. William Allen and Noah H. Swayne were two of the three commissioners who had in charge the interests of Ohio in making the final settlement of the boundary line dispute with Michigan, and they reported progress in that matter. Allen was later a United States Senator, and governor, and for more than forty years held highly spectacular interest of the people. Swayne, in 1861, became a justice of the Supreme Court of the United States, and sat in that exalted judicial seat for almost twenty-five years.

The subject of the United States Bank was again agitating the country in 1836, and Ohio, whose lurid record with reference to that institution was well known among all the states, was strongly opposed to it. After much discussion of the matter in Congress, and refusal there to sanction the project, the sponsors of the bank had in 1835 secured a charter in the State of Pennsylvania, and contemplated establishing branches in other states, including Ohio. The General Assembly of this state passed an act prohibiting such branches.

But the chartered banks in Ohio were not enjoying confidence in all cases, and another law was enacted which placed them under surveillance of the state authorities. Still another, passed March 14, 1836, imposed a tax of 20 per cent of the banks' profits unless they agreed to circulate no bills of less denomination than $3 after July 4th of that year, nor less than $5 after July 4, 1837. The object of this restriction is not clear. The journals opposed to the democratic majority in the Assembly regarded it as a very foolish law, and not likely to produce any good results.

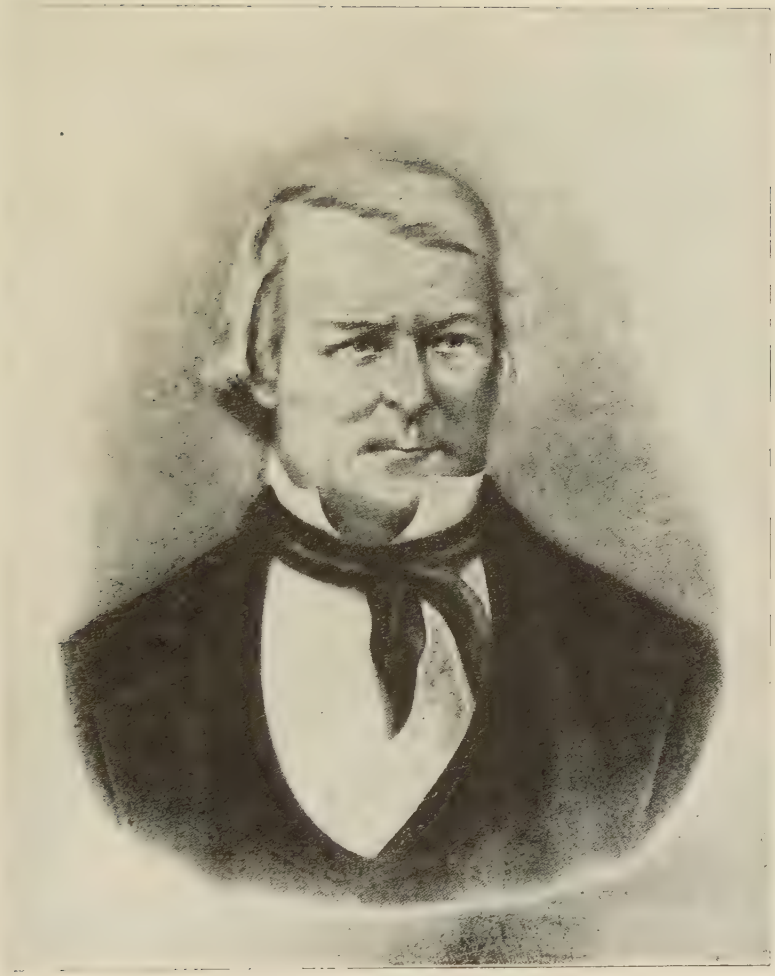
An interesting development of this year was the tour through the state of a large tented animal show, at the head of which the name Van Amburgh, famous for many years thereafter, appeared. The newspapers in the towns where it showed contained most startling displays of illustrated advertisements. Up to that time there had been practically no pictures of any kind in the papers. But advertisements of this show contained a series of large well-made wood cuts showing lions, tigers, camels, and many other beasts that the people of Ohio had certainly never seen, and these doubtless produced a thrilling effect. In large letters it was stated that "The Celebrated National Band of Twelve Musicians would announce the arrival of the Grand Cavalcade; that the Whole will be Arranged in a Splendid Pavilion Adequate to seat Twelve Thousand Persons; that Mr. Van Amburgh would enter the Cages at 3½ P. M.; that this Exhibition is Drawn by One Hundred Matched Horses, and That Sixty Five Men are Employed." A large cut of pathetic character showed Mr. Van Amburgh seated in a cage of wild animals, on his knee a three-year-old child fondling a lamb, and beneath, the legend: "The lion and the lamb shall lie down together, and a little child shall lead them."

ADMINISTRATION OF GOVERNOR JOSEPH VANCE

Thirty-Fifth Legislative Session

December 5, 1836, to April 3, 1837

Once again Elijah Vance became speaker of the Senate. The House elected William Medill, of Fairfield County, to preside. This was



JOSEPH VANCE

Governor December 13, 1836—December 13, 1838. Born March 21, 1786; died August 24, 1852. Member Ohio Legislature; congressman; state senator; member Constitutional Convention of 1850.

Medill's first appearance in a place of importance, although he had been a member of the Assembly through several terms. His subsequent career saw him successively as congressman, assistant postmaster-general, commissioner of Indian affairs, president of the Constitutional Convention of Ohio (1850-1851), lieutenant-governor, governor of Ohio, and the first comptroller of the United States Treasury.

The official canvass of the vote for governor gave Joseph Vance, whig, 92,204 votes, and Eli Baldwin, democrat, 86,158. Vance was a farmer of Champaign County. He had frequently been a member of the General Assembly, and was a representative in Congress fourteen years prior to his election as governor. He was duly inaugurated December 17, 1836, his address being devoted largely to praising the judiciary of the state, which, he said, was noted throughout the nation.

It was reported to the Legislature that the thirty banks then existing in the state possessed a total capital of $3,388,178.47. The finance committee reporting this believed the amount was entirely inadequate to the requirements of the people, and strongly urged the organization of a state bank with enough branches to provide proper banking facilities in every part of the state. The subject of banking was ever present in the Assembly of Ohio during many of the years preceding and following this Legislature, and the papers never ceased to criticise their representatives for failure to provide a system which should be sufficient and at the same time trustworthy.

A notable contest occurred over the election of a United States senator to succeed Thomas Ewing, whose term had expired. The total membership of the two Houses of the Assembly was 108, and fifty-five votes were necessary for a choice. The whigs, with fifty-two votes, supported Ewing for reelection; the democrats, with fifty-three, were behind William Allen; and there were three members not favorable to either. Thirteen ballots were taken, Ewing receiving fifty-two votes from beginning to end; Allen, fifty-three until the twelfth, when his vote was increased to fifty-four, and on the thirteenth he received fifty-five. Senator Allen was then just thirty years old. He attracted much attention for his height and for his sonorous voice. Soon after he took his seat in the Senate he was dubbed "the Chinese Gong" by the whigs, and many references to him by that pseudonym were made in the Ohio papers.

In this session of 1836-1837 the schools were better organized, and for the first time a state superintendent of common schools was provided for. The term of office was one year, and the salary the first year was $500, later increased to $1,000.

The public execution of murderers was greatly criticized by many good people at this time, largely because of the scenes attending the hanging of one Washburne in Cincinnati, and a number of petitions were sent to the Assembly asking for a law making executions private. The report of Washburne's death stated that more than 15,000 turbulent persons were present to witness it. But the Assembly took no action, and it was not until almost fifty years later that executions for all capital crimes were made private in the "death chamber" at the penitentiary.

The ancient mounds in the state were always a subject of much speculation, and frequent references were made to them by the editors and their correspondents. A poem of five stanzas, which originally appeared in the Western Sun was copied into a number of other papers. The first stanza is an indication of the character of all:

"Sepulchres of a giant race
  Which time has swept away—
Tombs—monuments of men! their trace
  Alone that mocks decay.
All else is gone; all else is sped,
But ye, the temples of the dead,
  Which hide them from decay."

The population of Ohio in 1837 was more than 1,000,000. But cost of administering the state government was not much above $100,000 per annum. By comparison with modern figures, after making allowance for increase in population, this was certainly very modest; yet there were many in those days who accused the state of extravagance, and demanded retrenchment, chiefly by reduction of salaries. The following itemized statement was published in the Hamilton Intelligencer of May 11, 1837:

Salaries of Officers—	
Governor	$ 1,000
Auditor	1,200
Chief Clerk	600
Treasurer	1,200
Secretary	1,000
Judges Supreme Court	6,000
Judges Common Pleas Courts	14,400
Librarian	400
Superintendent of Schools	1,000
	$ 26,800
Board of Public Works—	
Acting Commissioners	$ 3,000
Advising Commissioners	2,000
	$ 5,000
Legislature—	
Pay of Members, etc	$ 44,000
Paper for State	5,000
State Printing	14,000
Distributing Laws	800
	$ 63,800
Auditor's contingent fund	3,000
Governor's contingent fund	3,500
Secretary's contingent fund	700
Treasurer's contingent fund	500
Wolf scalps	2,700
Military and Public Arms	3,000
Library	500
County Treasurers	1,000
Wood for state	600
	$ 14,100
Incidentals (Estimate)	1,000
	$110,700

Thirty-Sixth Legislative Session

December 4, 1837, to March 19, 1838

The Senate at this session was presided over by George J. Smith, of Warren County, and the House of Representatives by Charles Anthony, of Clark. Neither of these men is otherwise known to fame.

The question of admitting colored children to the public schools was brought up, but a bill for that purpose was rejected in the Senate by a vote of thirty to two. Attempts were made also to modify the regulations by which colored people were deprived of practically all privileges of white persons, but this also failed, the committee to which the bill was referred reporting adversely.

Supreme Judge Ebenezer Lane was reelected for another term. A separate court for Cincinnati, designated the Superior Court, was established; that city had now reached a population of more than 40,000. Erie County was erected and organized. The new penitentiary, now being in full operation, the governor was directed to sell the old prison buildings. After many years of effort imprisonment for debt was abolished, the act bearing date of March 19, 1838. Three more railroad companies were incorporated, horses to be the motive power.

Provision was made for beginning the erection of a new state house, and by the act of January 26, 1838, a preliminary appropriation of $10,000 was made toward it. Three commissioners were appointed to have its erection in charge, and the following April they signed the first contract for stone, to be taken from a quarry on the Scioto River, just west of Columbus. The next year the Assembly appropriated $50,000 to continue the work, the labor being done chiefly by convicts from the penitentiary. The cornerstone was laid with appropriate ceremonies, by Ex-Governor Morrow, but not much more was done because of an agitation to remove the state capital to some other place in Central Ohio. It was not until 1846 that the question was finally settled, and in 1848 work was resumed on the building.

The education of the blind received serious consideration by the Assembly at this session of 1837-1838. It had been authorized at the previous session, but no appropriation made. Rev. James Hoge was now appointed trustee, and steps were taken which in a few years resulted in the building of a fine asylum in Columbus.

The state of internal improvements in Ohio in 1838 was briefly stated in a paragraph which was generally copied by the journals of the day:

"The great Ohio canal cost $4,244,538, its length being three hundred and thirty-three miles. During the year ending October first, 1838, the net income was something over $280,000. Besides that great work there are other canals and two railroads in the state, either done or in progress. The commercial facilities of the state are very great. Of the seventy-five counties, fourteen canals now made or making pass through thirty-two of them, railroads through eight, and macadamized roads through five, so that of the seventy-five counties there are only eleven without improved means of communication."

Temperance societies were constantly active, but the sale of intoxicants continued to increase, and drunkenness was a very prevalent vice. The Legislature seemed unwilling to take any measures to retard the sale and consumption of whiskey. The editors contributed their aid—they wrote against the use of liquors and gave place to a multitude of communications upon the subject. One story, widely published, throws a vivid light on conditions in this regard as they then existed. It had been first written for Glad Tidings, of Pittsburg, copied with extended remarks upon its truth and universality by the New York Courier, and found its way to the Ohio papers:

"A celebrated advocate in Ohio, while making a speech before a jury against a grog shop keeper, for obtaining a large sum of money of a drunkard somewhat suspiciously, drew the following graphic picture of the groggery: 'Gentlemen, if you want to see a picture that no pencil can sketch, that no tongue can tell, that no pen can describe, go to the groggery of Barna Thrack. There it may be seen in all its glory—there are drunkards of all sorts, sizes and descriptions—of all ranks, ages and sexes at all times of the day, and all stages of drunkenness. They are drunk on the beds, they are drunk on the counter, they are drunk behind the counter,—they are drunk on the chairs and they are drunk on the floor.—They are drunk on the door step and they are drunk on the boxes. They are drunk indoors and out of doors, and they are drunk all about the house.' "

ADMINISTRATION OF GOVERNOR WILSON SHANNON

Thirty-Seventh Legislative Session

December 3, 1838, to March 18, 1839

The new speaker of the Senate was William Hawkins, of Morgan County. James J. Faran, of Cincinnati, presided in the House. Subsequently Faran was a state senator, speaker of the Senate for two terms, member of Congress from 1845 to 1849, mayor of Cincinnati 1855-1857, and postmaster under President Buchanan. He was a journalist, for many years associate editor of the Cincinnati Enquirer.

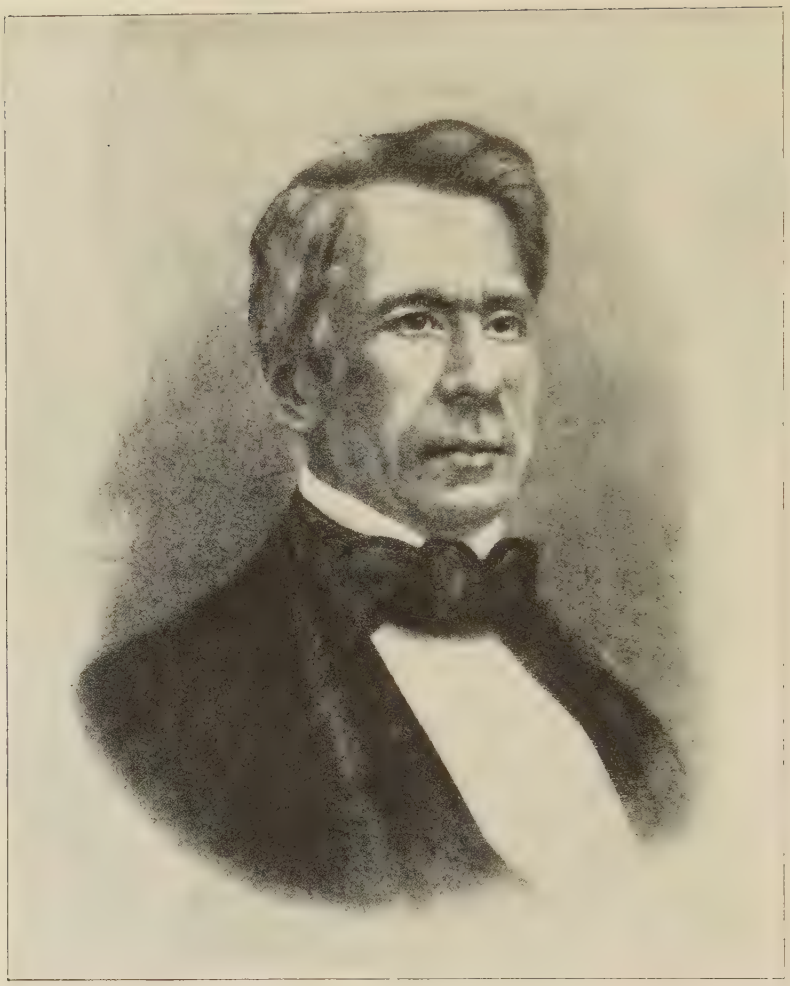
Governor Vance was defeated for a second term by Wilson Shannon, for whom 107,884 votes were cast, to 102,146 for Vance. Shannon was again elected governor after an interim of one term, was later United States minister to Mexico, a member of Congress from 1853 to 1855, and at once thereafter was appointed governor of the Territory of Kansas.

Retiring Governor Vance, in his second message to the General Assembly, expressed his thanks for the devotion to duty of its members, and congratulated the people upon the wonderful material and moral progress of the state.

The workings of the fugitive slave law, recently passed, brought a peculiar and interesting incident into the Assembly at this session. John B. Mahon, of Brown County, had been arrested on a warrant issued by Governor Vance upon requisition of the governor of Kentucky, charged with aiding slaves to escape from that state. He was later discharged from custody, and he asked of the Ohio Assembly remuneration from the state for the expense and sufferings he had endured by reason of the action against him. The Senate committee into whose hands this petition was placed submitted a report admitting that Mahon had been required to endure great hardships, but at the same time recommending that his prayer for remuneration be not granted. It was refused him by a vote of thirty-one to one—and the one vote recorded against the injustice done him was cast by Benjamin F. Wade, senator from Geauga and Ashtabula counties. He was then serving in his first public position. For forty years thereafter Wade was an outstanding figure—president of the third Judicial Court of Ohio, United States Senator from 1851 to 1869, United States Government director of the Pacific Railroad. He was one of the great powers against slavery and the slave states, and conspicuous as a republican leader until his death in 1878.

In the year 1839 the slave power of the Southern states seemed to dominate public opinion in Ohio. The escape of fugitive slaves into this state from Kentucky had been a source of irritation for a number of years. That state had sent commissioners to Ohio while the General Assembly was in session at Columbus to see to it that an effective fugitive slave law was enacted. The commissioners were James T. Morehead and John Speed Smith. From the National Hotel in Columbus they addressed a letter to Governor Wilson Shannon stating what Kentucky wished Ohio to enact for the return of fugitive slaves. This letter covers a number of pages in the printed report and was couched in very courteous language. The intimation was made, however, that the enactment by Ohio of a satisfactory measure for the return of slaves escaping from their masters was necessary to the preservation of cordial relations between the states and possibly for the preservation of the Union.

Upon receipt of this communication Governor Shannon transmitted it at once to the General Assembly and a committee was appointed to confer with the commissioners from Kentucky. A bill was framed to meet their desires and introduced into the House of Representatives. It imposed heavy penalties upon anyone directly or indirectly aiding



WILSON SHANNON

Governor December 13, 1838—December 16, 1840. December 14, 1842—April 15, 1844. Born February 24, 1802; died August 31, 1877. Minister to Mexico; congressman, governor Kansas Territory. First native governor of Ohio.

escaping slaves. In fact its provisions were not less radical than those embodied in the national compromise of 1850 which raised such a storm of indignation through the North. Yet strange to say this measure which was enacted by the General Assembly of Ohio at the behest of the slave state of Kentucky which sent commissioners to "lobby it through" aroused little opposition. It passed the House February 11, 1839, by a vote of fifty-three to fifteen. Even the liberal-minded Thomas Corwin and Col. James Kilbourne, who would not purchase Ohio lands until the state was admitted without slavery, voted for this act. Among its most enthusiastic supporters was John Brough, afterward state auditor and war governor.

The bill then went to the Senate, where it was again considered, and attempts were made by the opponents of slavery to modify its drastic provisions. Senator Wade introduced a resolution to inquire into the complaints made by the State of Kentucky to determine their basis in truth and to determine also whether offenses had been committed against the free men of color residing in Ohio in an effort to carry them into slavery. His resolution was promptly defeated. At every stage of the bill in the Senate he opposed it and was supported by Samuel S. Cox, then a senator from Muskingum County. Cox afterward parted company with the anti-slavery advocates and became an eminent opponent of the war measures of Abraham Lincoln.

The bill passed the Senate by a vote of twenty-six yeas to ten nays, and became a law February 26, 1839. Among its most vigorous supporters in the Senate was David Tod, after the second war governor of Ohio. This measure was known as "Ohio's Fugitive Slave Law."

Railroads had begun to operate in a small way in Ohio, and the long series of laws made necessary by this development was now inaugurated—the first being the act of March 18, 1839. The law provided a maximum penalty of three years' imprisonment "for removing, breaking, displacing or otherwise molesting the rails and appliances of railroad tracks." If death were caused by such offense the offender should be deemed guilty of murder in the first or second degree, or manslaughter, as the facts warranted, and punished accordingly.

Thomas Ewing was again defeated in his desire to be returned to the United States Senate by Benjamin Tappan, of Steubenville.

The year 1839 saw the first approach of another financial crisis which culminated a few years later in disastrous conditions. The newspapers contained notices of many banks suspending the payment of specie, and depreciation of the notes of others. Prices of commodities reflected the same trend. Flour, which in normal times sold at from $7.50 to $10 per barrel, went as low as $4.25 on July 18, and other produce of farms and mills were depressed correspondingly.

The paramount subject in the minds of the editors and of the people was the next presidential election. Almost immediately after the victory of Van Buren in 1836 the whig papers had begun an energetic campaign to win in 1840. The Ohio whig organs for many months carried the name of Judge John McLean, of Cincinnati, at their mastheads, but later, in 1839, Eastern and Southern papers of whig tendency "boomed" Gen. William Henry Harrison for nomination, and the Ohio editors followed suit. On December 7, 1839, eleven months before the election, the national whig convention at Harrisburg, Pennsylvania, unanimously nominated General Harrison for President, and John Tyler, of Virginia, for Vice President. Immediately the most remarkable political campaign in the history of the state began.

Thirty-Eighth Legislative Session

December 2, 1839, to March 4, 1840

William McLaughlin, of Richland County, presided as speaker of the Senate, and Thomas J. Buchanan, of Clermont, was presiding officer of the House.

The question of removing the permanent capital of the state from Columbus occupied the attention of the Assembly. Considerable jealousy of Columbus had grown up in various quarters, and a serious attempt was made to take the honor from that city, which the Assembly had the right to do in 1840 under the original contract made with the "proprietors of Columbus" in 1812. But a special committee appointed to make a report finally made an averse recommendation.

In accordance with instructions previously given by the General Assembly, presidents and managers of existing companies which had been incorporated to construct railroads in the state submitted reports showing the amounts subscribed for stock, the progress of construction if any, the expenditures made, and details of the acquisition of lands for rights of way. But nothing came of this inquiry by the Legislature, and the enterprise remained in a dormant condition, generally.

Another name, afterwards conspicuous, appeared at this session. David Tod, representing Trumbull County in the Senate, made a report as chairman of the committee on public institutions, particularly praising the work done at the Ohio Lunatic Asylum. Tod advanced far in later years—was United States minister to Brazil from 1847 to 1852, and in 1862-1864 he won fame throughout the nation for his energy and efficiency as a war governor of Ohio.

The banking situation was growing more and more serious. A proposal to establish a state bank, with branches, which had been made several times, was again pressed in this Assembly, but the finance committee was opposed to it, and it failed of adoption. The local incorporated banks continued in full operation.

Again attacks were made upon the system of licensing the retailing of intoxicating liquors, and a bill was introduced to repeal the law under which drinking places were permitted; but the committee in charge reported adversely, and the grog shop keepers were not molested.

Reuben Wood was chosen Supreme Court judge for a second term. He was another of the very prominent figures in the mid-century period of Ohio, remaining on the Supreme Bench until 1845, governor 1850-1853, and United States consul to Valparaiso later.

Legislation of this session was unimportant in contributing to the progress of the state, and the newspapers gave little attention to it. But one subject occupied them, almost to the exclusion of every other —the presidential election. From the very first day of the year their columns were alive with politics. The democrats were strenuous in carrying on for Van Buren's reelection, but nothing, before or since, approached the frenzied enthusiasm of the whigs for Harrison and Tyler. The "log cabin and hard cider" campaign roared in every corner of the state. A meeting in the dead of winter (February 21, 1840) at Columbus, then a city of scarcely 6,000 population, was attended by 25,000 men, who had come from near and far all over the state, through snow and mud, and who stood for hours in the frigid air near the state house listening to speeches ratifying the nomination of "Tippecanoe and Tyler Too." The great orator, Thomas Ewing, was one of the speakers. On June 11, 1840, at old Fort Meigs, General Harrison addressed a meeting of 40,000 auditors. Here that unique character, "The Buckeye Blacksmith" (John W. Bear) started on his way to fame. At Dayton, a city of not more than 6,000, General Harrison spoke on September 10, 1840, before a multitude which closely packed an area of ten acres—estimated at 100,000 persons by engineers who made measurements and careful calculations. While these were exceptional, enormous crowds were very frequently present at Harrison meetings everywhere. Campaign songs were sung by everybody, and on all occasions. The newspapers rose to new heights of eloquence and enterprise. In looking over those old prints one is amazed at the evidences of editorial hysteria. One often comes to a great harsh wood cut, filling a whole page, representing the log cabin and barrel of cider.

There were numerous "straw votes" (although that name for them had not been invented then), on steamboats, in stores, in factories, at taverns—everywhere. There was, for the first time so far as public mention was made, public betting on the result of the election. The Ohio newspapers carried a great amount of matter about political activities in other states also. People over the whole Nation must have been exhausted by the time of election day. Ohio went for Harrison by a majority of 23,271. His vote was 148,157; Van Buren's, 124,782; and Birney's (abolition candidate), 903. Thomas Corwin was elected governor by 145,442 votes against 129,312 for Shannon. The total of 274,762 was 65,000 more than had ever been cast in the state before.

The national census of 1840 revealed an advance in growth even greater than had been expected. The total population of Ohio was now 1,519,467, as compared with 937,903 ten years earlier. The number of white males was 779,769; of white females, 718,824; of colored males, 8,637; of colored females, 8,465. Other facts of interest were shown by the figures. The list by occupations was: Employed in mines, 704; in agriculture, 272,579; in commerce, 9,201; in manufactures and trades, 66,265; in navigation on the ocean, 212; in navigation on canals, lakes and rivers, 3,323; in the learned professions, 5,362.

Eighteen universities or colleges were attended by a total of 1,717 students. Other statistics of the census were: Academies and grammar schools, 73, with 4,310 pupils; primary and common schools, 5,186; scholars in the common schools, 218,609; scholars at public charge, 51,812. There were 35,394 white persons in the state who could not read and write.

ADMINISTRATION OF GOVERNOR THOMAS CORWIN

Thirty-Ninth Legislative Session

December 7, 1840, to March 29, 1841

The Senate elected William McLaughlin again as its speaker, and the House named Seabury Ford to preside over that body. Once more a future governor presided in a legislative body—Ford became the chief executive eight years later.

Thomas Corwin, who with the exception of President-elect Harrison probably was the most famous Ohioan of that time, was inaugurated governor, having received a majority of 16,130 votes over Governor Shannon. Two years later, at the next election, the tables were turned and Corwin went down to defeat before Shannon.

The committee of public institutions reported to the Assembly that they had made a detailed inspection of the lunatic asylum, the schools for deaf and dumb and the blind, and that they had found them all "in most excellent condition, the inmates well cared for and enjoying every possible comfort."

The banking situation, growing worse, was a great problem with the General Assembly, but the members were still loath to abandon the independent incorporated banks, and although a committee reported a bill favoring a Safety Fund and State Bank in which the state was to hold 5 per cent of the entire capitalization, no action was taken upon it.

Another attempt was made to modify the regulations of colored people, urged by citizens who were strong in the belief that the blacks were unjustly treated. The only response in the Legislature was a committee report that it would be "highly impolitic to repeal or modify existing laws."

The papers duly recorded the fact that the presidential electors had met in February and cast their ballots—234 for William Henry Harrison, and 60 for Martin Van Buren. General Harrison had gone to Washington in January, had called on President Van Buren, and had

THOMAS CORWIN

Governor December 16, 1840—December 14, 1842. Born July 29, 1794; died December 18, 1865. Member Ohio Legislature; congressman; United States Senator; Secretary of the Treasury; minister to Mexico.

himself received a multitude of callers. On March 4th he was inaugurated President, made it known that he would reverse the recent policy of removing officials without cause, issued a call for a special session of Congress for May 31st—and died in the White House at 12:30 A. M. on April 4th. This shocking news did not reach Ohio until April 9th. All the papers went into mourning by "turning rules," making heavy black lines between their columns. The dead President's body was placed in the receiving tomb at the Congress Burying Ground at Washington. In July the remains were taken to Cincinnati, received from the river steamboat on the 5th of that month, and after a solemn funeral procession and services, were conveyed to his old home at North Bend, and consigned to the grave. By proclamation of President John Tyler May 14th was appointed as a day of humiliation and prayer throughout the Nation, in commemoration of the famous soldier and statesman.

The financial crisis, which had been approaching for two or three years, came in 1841. Items similar to the following, which was published in the Hamilton Intelligencer of July 23d, were general in Ohio newspapers:

"Money.—Several banks are in very doubtful credit just now, and have no doubt been put to it by the tricks of Brokers. Whether they will recover or not we cannot say. West Union, Circleville (charter 1818) and Bank of Steubenville are very doubtful. Otis and Arnold's checks on the Savings Institution and Exchange Bank are not much better. Lebanon is two per cent discount."

A little later it was announced that the Circleville bank had "broken," and before long five others closed their doors. Long lists of heavy discounts on bank paper made their appearance regularly in the news columns. It was stated that twenty-one banks had suspended in New York, and many more in other states. Meanwhile, flour at Cincinnati fell to $3.90 a barrel, whiskey to 16 cents a gallon, lard to 6½ cents a pound, wheat to 60 cents a bushel, corn on the ear to 18 cents a bushel. Difficulties of life came to all except the rich.

In a published list of cities of more than 5,000 inhabitants—about sixty in number in the Nation—Ohio had five: Cincinnati, 46,338; Cleveland, 6,071; Dayton, 6,067; Columbus, 6,048, and Steubenville, 5,203.

On December 24, 1841, this little news story was given prominent display in the Hamilton Intelligencer:

"Little Miami Railroad.—This improvement is now so far forward that cars are running from Cincinnati to Milford, a distance of fifteen miles. On the 14th inst. the city council and some others took a trip in the first car, and went over the distance in an hour and a half, though some impediments existed to retard their progress."

Fortieth Legislative Session

December 6, 1841, to March 7, 1842

The speaker of the Senate was James J. Faran, of Hamilton County. Rufus P. Spalding, of Summit County, was chosen speaker of the House. The latter became a supreme judge in 1849, and in 1862 was sent to Congress, where he served for six years.

Governor Corwin's message was almost entirely devoted to questions of finance and the currency, owing to the unfavorable condition of banking institutions throughout the country. The finance committee took up the subject in real earnest, but refused to recommend a state bank, which many thought the only solution of the difficulty, and the Assembly accepted the committee's judgment. The only action was the passage of a law placing further restrictions upon existing incorporated banks, and requiring the strictest accountability on the part of bank directors and officers.

The records of the session include a memorandum that Edwin M. Stanton, of Steubenville, was appointed official reporter of the Supreme Court—the first mention of the name of the future great war secretary in Lincoln's cabinet.

The new census (1840) again made necessary a special session of the General Assembly to redistrict the state for congressional election purposes. This was assembled on July 25th. The session was full of excitement, and it adjourned on August 12th without accomplishing the purpose for which it was called. The journal of the House of Representatives reveals that on that date only thirty-one members responded to the call of their names, and a quorum to transact business could not be secured. The sergeant-at-arms was sent out with warrants of the speaker to bring in the absent members, but they all resigned their membership and defied the sergeant-at-arms. The speaker asked Governor Corwin what should be done. The governor responded that the sufficiency of the resignations rested with the House. Thereupon Speaker Spalding adjourned the House with an impassioned speech in which he denounced the action of the recalcitrant members as subversive of law and order and as threatening the institution of representative self government.

The formal official House journal did not state the cause of these almost revolutionary proceedings, and one must turn to the newspapers of the day for an explanation of them. The democrats held a majority of the members. Their committee brought in a bill dividing the state into the twenty-one districts required under the new apportionment, but the whig members denounced it as an outrageous gerrymander. They claimed that although the last election had shown a whig majority in the state the democrats proposed in their bill to establish the districts in such a manner as to allow the whigs only seven congressmen, while they, the democrats, would have fourteen. Rather than submit to this the whigs broke up the session in the way described, before a vote could be taken upon the bill. The redistricting was necessarily deferred until the next session.

Under the new apportionment Ohio was third among the states in its numerical standing in the Lower House of Congress, being exceeded only by New York, with thirty-four members, and Pennsylvania, with twenty-four.

During this year of 1842 the news concerning the banks was truly alarming to the people. On January 1st it became known that the notes of the Lebanon Miami Bank had stopped circulating, and the next week the bank failed. This was followed a few days later by the closing of the doors of the great Miami Exporting Company (a bank in Cincinnati), the Bank of Cincinnati and the Exchange Bank of Cincinnati. Rumors as to the condition of many other banks created great excitement and uneasiness, and it was not long until the banks at Hamilton, Urbana and Wooster, all previously considered perfectly sound, went down. On June 3d a bank list was published showing that ten in Ohio had broken, sixteen still remained good, and the notes issued by eight were subject to discounts of from 50 to 75 per cent.

In the middle of January there were scenes of the greatest excitement in Cincinnati. A mob of several hundred broke into the house of the Miami Exporting Company's bank, destroyed the books, papers and everything of value, as well as the windows. They took out large quantities of the bank's worthless notes and scattered them over the street. "Then they attacked the Exchange Bank and the Bank of Cincinnati, and served them in much the same manner." The Cincinnati Chronicle of January 12 described these scenes, and concluded its account as follows:

"After riddling the offices of the Cincinnati and Miami banks the

mob proceeded to the Bates Exchange office, corner of Main and Third streets, where they were for a time restricted by a dozen of the Citizens Guard and a few firemen. As these were, however, wholly unsupported, they gave way and the rioters finished their work during the afternoon by robbing the offices of Messrs. Bates and Lougee, and demolishing the woodwork. Bags of money were seized and carried off by men and boys—some were found with them."

SECOND ADMINISTRATION OF GOVERNOR WILSON SHANNON

Forty-first Legislative Session

December 5, 1842, to March 3, 1843

James J. Faran, of Cincinnati, was chosen speaker of the Senate, and John Chaney, of Fairfield County, Speaker of the House. The latter had been a Jackson presidential elector in 1832, and a member of Congress from 1832 to 1838. Upon his retirement from the Legislature at the end of this session he returned to his home in Canal Winchester, became a member of the Ohio Constitutional Convention, 1850-1851, and thereafter contented himself with official life confined to membership of the village council.

The vote for governor as officially canvassed by the General Assembly showed that former Governor Shannon had received 119,774, a plurality of 1,872 over Corwin. But returns from Highland, Butler and Montgomery counties had not been received, and when they were counted later Shannon's plurality was increased to 3,120. The neglect to send the returns on the parts of the officers of the three counties aroused the ire of the legislators, and they passed a law placing a penalty of from $500 to $1,000 upon county clerks for derelictions of the same kind for the future.

Report was made by the penitentiary directors that the contract system, which was now firmly established there, had caused friction between contractors and Warden Van Hook, and that the warden had had to be removed in the interest of harmony. Under the contract system the convicts were hired from the state, at stipulated prices per day, and they labored under the supervision of the contractors. The system was continued for more than half a century, but was finally abolished, largely through the efforts of the labor unions.

A joint resolution of the assembly provided that a Chinese girl should be maintained by the state at the school for the blind. She had been brought from her native land by a Mrs. Gutzlaff, probably a missionary, and she was, in all likelihood, the first Mongolian ever to reside in Ohio.

William Allen was returned to the United States Senate, again defeating Thomas Ewing by a vote of sixty-three to forty-four.

The system of internal improvements in the state, including the canals, was practically completed, and the General Assembly authorized the governor to borrow $1,500,000 more to pay outstanding bills of contractors.

A congressional redistricting bill was finally passed in March of this session, as planned by the democratic majority, and the whig papers blew their final blast against it. It was characterized by them as "one of the foulest deeds of the session," and as "marking the majority with the most abandoned political dishonesty." But the result of the next congressional election did not justify this abuse, for the whigs elected ten members of the Congress and the democrats ("locofocos") eleven.

ADMINISTRATION OF ACTING GOVERNOR THOMAS W. BARTLEY

Forty-second Legislative Session

December 4, 1843, to March 13, 1844

Thomas W. Bartley, of Richland County, was chosen speaker of the Senate, and John M. Gallagher, of Clark County, speaker of the House of Representatives. Bartley became acting governor when Governor Shannon, within a month after the close of the session, resigned to become minister to Mexico, and he later served two terms as judge of the Supreme Court; for three years as chief justice.

The question of the salaries of state officials had for some years been a subject of much dispute in the general assemblies, but notwithstanding the cry for retrenchment, they were now increased. It is curious to note that the increases, made against great opposition, raised the salaries of the governor and judges of the Supreme Court to only $1,500 per year each. Those of other high officials were all much below that amount—the secretary of state, for instance, receiving only $1,000. But even the provision for these meager salaries was not allowed to stand. There was a vigorous "Retrenchment Committee" and upon its recommendation the compensations were reduced again before the session closed—governor and judges of the Supreme Court, $1,000 each; secretary of state, $500; state auditor and state treasurer, $700 each. County officers were also placed on salaries which must have been regarded as paltry even for those times: County commissioners, $2 per day; auditors, not to exceed $730 per year; recorders, not to exceed $500; treasurers, a maximum of $600, and sheriffs, $700.

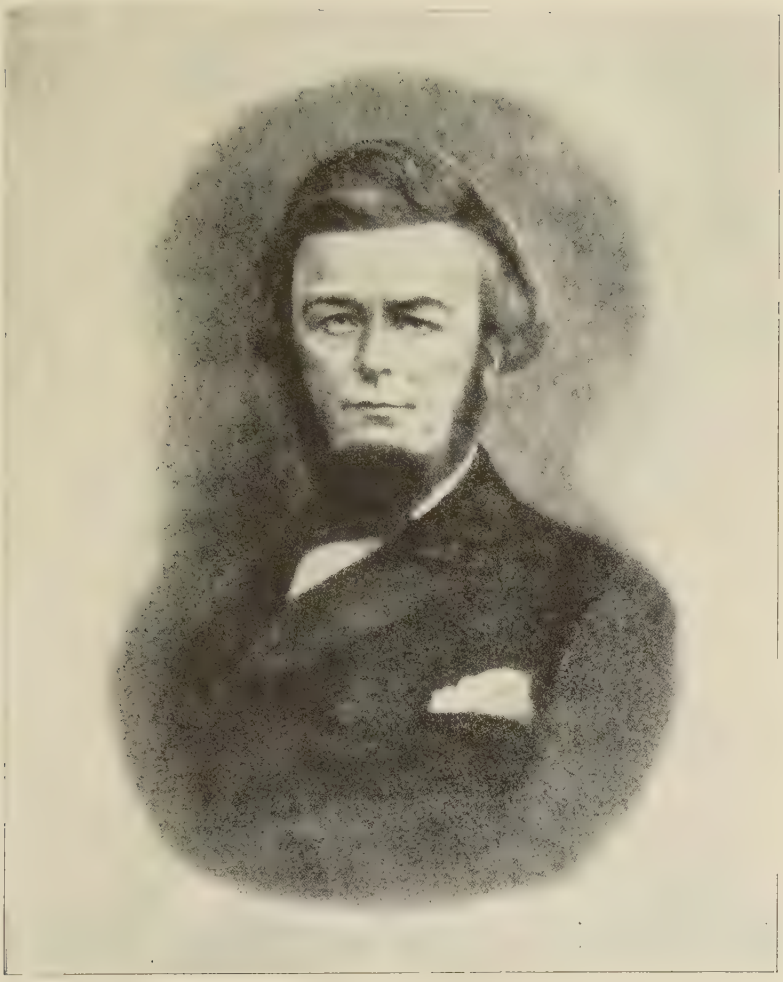
State officials were now permitted, for the first time, to have one or more assistants or employes in their offices—a secretary to the governor and clerks for the other departments—whose salaries ranged from $300 to $600 each. A "porter of public buildings" was also authorized, with pay of $20 per month.

Interest in railroads had been declining in years then recent, and most of the charters formerly granted to railroad companies had lapsed. But the development and success of a few roads already in progress revived interest in that sort of enterprise and several of the dormant charters were revived by this assembly.

There were numerous murder trials in Ohio at which the plea of insanity was set up by lawyers for the defense, and many such pleas were successful. The General Assembly, with a view to discouraging this practice, enacted the law of March 6, 1844, requiring that persons acquitted of the charge of murder on the ground of insanity should be confined permanently in county jails, as protection against further violence. The editors also exhibited impatience with the success of insanity pleas. An unusual incident disclosing the interest in this subject was the theme of an editorial in the Hamilton Intelligencer of February 27, 1844, and it was doubtless in the minds of the assemblymen when they enacted the law referred to above:

"Monstrous Farce.—Within two months two persons were hanged in Columbus for murders committed in the penitentiary, the culprits having been found guilty under the law. One of these persons was defended under the usual plea of insanity; which plea was not sufficient to save him. He was executed, but after the execution a committee of learned doctors examined his brain for evidence of insanity!!! They disagree, however, among themselves, and so the matter ends. It is one of the few cases of a trial after execution, and is quite as unsatisfactory as that made before."

The journals continued to publish much matter concerning the great



THOMAS WELLES BARTLEY

Governor April 15, 1844—December 3, 1844. Born February 11, 1812; died June 20, 1885. Attorney-general of Ohio; United States District Attorney; member Ohio House and Senate; judge Ohio Supreme Court.

use made of the canals, and the merchandise shipped over them. It was stated as an evidence of great prosperity that the tolls paid for canal service during the six months ending November 12, 1844, amounted to $172,659.41. But the era of railroads was now fast approaching, and items as to their progress were frequent. By July 11 the Little Miami Railroad had been finished from Cincinnati to within four miles of Lebanon, and contracts were let for construction as far as Xenia. The Urbana Gazette urged its extension to Toledo. "The traveling custom alone," declared the editor, "coming from and going to the West and Northwest, will be an immense source of profit to the company." Cars were running over short distances in Northern Ohio, and the managers of the Michigan Central had offered a free ride to citizens of Western Michigan to Detroit, a distance of 110 miles.

Great interest was aroused by the newspaper descriptions of another wonder—"Morse's Electro Magnetic Telegraph"—wires for which had just been strung from Baltimore to Washington. The editors and people of Ohio were not slow to understand and appreciate what this would mean later in the advancement of their own state. An article copied from the Baltimore Patriot, filling more than two columns, describing in detail how it worked, appeared in many Ohio papers:

"This beautiful and wonderful invention was made by Professor Morse in 1832, five years before anything of the kind in Europe. The electric telegraph now used in England, and invented by Professor Wheatstone, does not record its communications. The attendant is obliged to watch the movements of several magnetic needles upon which are the letters of the alphabet, and as they appear in sight to note them down. If one should escape his eye it is lost and cannot be recalled. Therefore the superior advantage of Morse's Electro Magnetic Telegraph in recording its intelligence without even the attendance of anyone, can be easily appreciated. * * * Thousands behold its sure and perfect performance awe struck and confounded, having asked 'what are we coming to?' 'what next can the inventive and restless genius of man produce more beautiful and destined to work greater advantages in this broad land of liberty?' "

The political campaign of 1844 was another strenuous one. The whigs and "locofocos" of the state began in January to get ready for the battle. State conventions of both parties were held in January at Columbus, to express their preferences for men for governor and for president and to elect delegates to the national conventions. The issues were the tariff and the annexation of Texas. Mordecai Bartley was the whig popular candidate for governor, and Henry Clay for president. The democrats had a bitter contest in the nomination for governor, but finally named David Tod. For president they were at sea until their national convention at Baltimore nominated James K. Polk of Tennessee, on the ninth ballot. The whig papers screamed throughout the rest of the time until election day for Clay and Frelingheysen, and those of the democratic faith for Polk and Dallas. The result was: Polk, 149,061; Clay, 155,113; Birney, 8,050. Total, 312,224.

The gubernatorial succession was a remarkable one. Acting Governor Thomas W. Bartley was succeeded in the office by Mordecai Bartley, his father. The son was a democrat, the father a whig. The son had been a candidate for nomination in the democratic convention, and had been beaten there by only one vote. The elder Bartley was sixty-one years old, and the younger, thirty-two. Mordecai Bartley had been a captain and adjutant under General William Henry Harrison in the War of 1812, state senator in 1817-18, and congressman from 1831 to 1833. He died in Mansfield in 1870.

The vote in the gubernatorial election was: Bartley, 146,333; Tod, 145,062; scattering, 11. Total, 300,214.

ADMINISTRATION OF GOVERNOR MORDECAI BARTLEY

Forty-third Legislative Session

December 2, 1844, to March 13, 1845

Officers of the two houses of the General Assembly were chosen as follows: Speaker of the Senate, David Chambers, of Muskingum County; speaker of the House of Representatives, John M. Gallagher, of Clark.

The most pressing question of this time was, "Should Texas be annexed?" The slave states were insistent for it, but most of the northern states were bitterly opposed. The General Assembly received committee reports both for and against it, and there was a division of sentiment, chiefly along party lines.

A state bank was provided for, after years of agitation of the subject. The act was dated February 24, 1845. It limited the total capitalization to $6,150,000, and at least 30 per cent of this was to be paid in gold or silver coin. The state was divided into twelve banking districts, and branches were to be established in them only by the consent, and under the supervision, of a state commission of five members. Issues of notes were to be secured by reserves and by deposits with the state of approved bonds and stocks. The state was to provide the notes to be issued, and was to pay, from the securities deposited, the notes of such banks as should find themselves unable to redeem them. This institution was believed to be safe and to provide a sufficient volume of currency, but a protest against the law was made by twenty-six members of the House of Representatives and spread upon the journal of that body.

Thomas Corwin, the great whig, was easily elected United States senator over David T. Dinsey, democrat, that mechanic of Cincinnati who had, since his election to the House by his fellow workmen of that city, advanced very far. His was a highly successful political career, notwithstanding his defeat by Corwin.

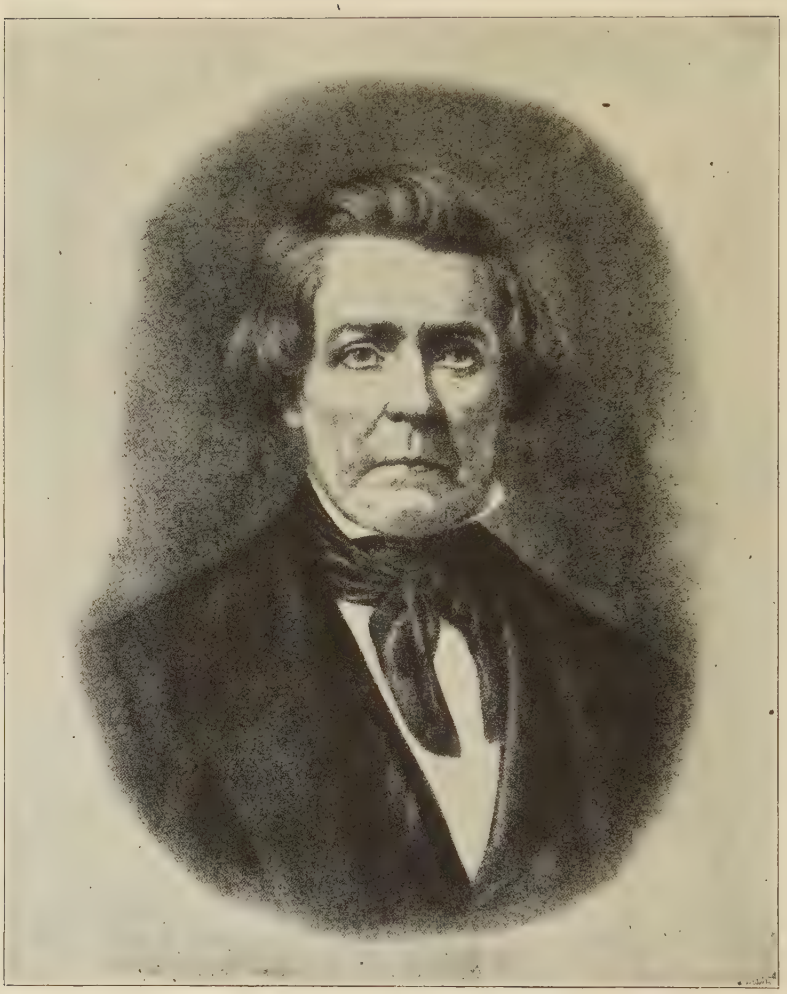
A sweeping reform was made in the election laws. For the first time registration of voters was required as a condition of the right to vote. This act, dated March 13, 1845, was the forerunner of those changes made nearly a half century later, by the introduction of the Australian ballot system in Ohio.

Seven new railroad companies were incorporated, and the counties of Wyandot and Defiance were organized.

That the lunatic asylum had accomplished much good was evident from statistics reported to the general assembly this year, covering the full six years of its existence—up to November, 1844. The whole number of patients admitted to its walls had been 541; of this total 243 had been discharged as having recovered their mental health, and twenty-three as having been improved. Fifty-eight had died. The population of the asylum was now 148—seventy-seven males and seventy-one females. The population of the state was between 1,500,000 and 2,000,000 at that time. When this had reached 5,500,000, three-quarters of a century later, the number of patients in the state hospitals for the insane was more than 25,000.

When Texas was annexed to the Union by act of Congress in 1845, the feeling in Ohio was intense. It was a great victory for the slave power, which was more and more regarded as a menace, and public feeling was very greatly aroused. The Ohio State Journal, in February, thus commented:

"Texas Annexed?—Well may the interrogation be turned into an exclamation! But is it annexed? Aye, so far as the representatives of eighteen million of men claiming to be Freemen, can effect it! Our blood curdles at the reflection. Recollections of the past, the dreams of youth, when liberty was worshipped as a divinity—our hopes of the



MORDECAI BARTLEY

Governor December 3, 1844—December 12, 1846. Born September 17, 1786; died October 10, 1870. Member of Congress.

future—all rush upon our mind, and we confess ourselves overwhelmed, stupefied, at the prospect now before us."

The new state bank law passed by the General Assembly on February 24th was quickly put into effect. The newspapers recorded all the acts of the commission which had charge of its administration. By the first of June the new notes, printed for the state to be furnished the banks for issue, were ready, and they were finally described in the public prints. "The specimen bills are beautiful," said the Ohio State Journal. "The engraving is on steel and the impression is faultless. The general appearance is better, we think, than any heretofore issued in the state." On bills of the various denominations were shown admirable portraits of the old governors, Duncan McArthur, Thomas Worthington, Jeremiah Morrow and Edward Tiffin, as well as those of Henry Clay and Thomas Corwin. New banks were organized very rapidly under the law, and they soon existed in all parts of the state.

A reform of great interest to the people was announced in the papers of July 3, 1845—reduced postal rates. Thereafter a letter could be mailed a distance of 300 miles for 5 cents, and beyond that distance for 10 cents. The editors rejoiced because under the new postal law their papers could be mailed to subscribers at no charge whatever!

As the year 1845 drew to a close it was evident that the annexation of Texas was likely to bring on a war with Mexico. The whig editors were outspoken in their deprecation of it. They were unsparing in their condemnation of the annexation. Meanwhile, it was noted that United States troops were going through Ohio and taking boats at Cincinnati en route to Jefferson Barracks, Missouri, to replace those sent from that station, and news of military movements in Louisiana began to fill the papers.

Forty-fourth Legislative Session

December 1, 1845, to March 2, 1846

Seabury Ford, representing Cuyahoga and Geauga counties, afterwards governor, was chosen speaker of the Senate. Elias F. Drake, of Greene County, a capitalist, president of the Dayton & Xenia and the Dayton & Western railroads, and president of the Columbus Insurance Company, was chosen speaker of the House of Representatives. Later he built the St. Paul & Sioux City Railroad, and in 1873 was a state senator in Minnesota.

The Senate, for the first time since the state was organized in 1803, was willing to have a chaplain, and it authorized the services of a minister in that position—but without paying him any salary.

Railroads had now come to be regarded as having a real future, and a committee made a report in favor of taxing their properties and establishing a better system of granting them charters.

The session was a stormy one, and was marred by many discreditable incidents. Jacob Flinn, a member from Cincinnati, was called before the House to answer for an assault upon William H. Trimble, member from Highland, and narrowly escaped expulsion, but was let off with severe censure. Other affairs of a similar character occurred, though not so flagrant, and the air was continuously charged with excitement.

The office of attorney general was created, and Henry Stanberry was appointed to the place. He was afterwards named by President Andrew Johnson as attorney general of the United States, but his confirmation was refused by the Senate in pursuing its policy of opposing that chief magistrate on all possible occasions.

A uniform standard of weights and measures was fixed, by an act of February 21, 1846, and the standards were placed in the office of the secretary of state, where they have since remained.

A first movement was made at this session for state care of imbeciles,

and a commission of three men appointed to prepare and present a system for providing that benevolence.

Ashland County was erected and organized.

The legislative news correspondents, who had now become numerous, reported all proceedings of the Legislature in great detail for their papers. One of them commented upon the fact that "a torrent of petitions for repeal or modification of the Black Laws is pouring in," but said they were "so monotonous in their form and so unreasonable in their requests that but little of reform can be expected in that way."

The absolute need of making changes in the constitution of the state was occupying the thoughts of many editors, and the references to the subject at this time and subsequently, contributed to the movement which resulted in the constitutional convention of 1850-51.

Many items were published about the extension of the systems of electric telegraph in the East, and an urgent hope was expressed by the editors that Ohio might soon enjoy the advantage of having it.

The Mexican war began, and, of course, became the chief object of public interest. Congress had appropriated $10,000,000 to carry it on, and had authorized the President to call for 50,000 volunteers. A few regiments from Ohio embarked at Cincinnati for the seat of war, but there was very little in the newspapers concerning activities of Ohio soldiers. There was no indication of personal inconvenience of the people other than that prices of farm products were greatly depressed for the reason that the war made shipments out of New Orleans hazardous and brought about an immense accumulation in that city of goods that could not be moved.

ADMINISTRATION OF GOVERNOR WILLIAM BEBB

Forty-fifth Legislative Session

December 6, 1847, to February 25, 1848

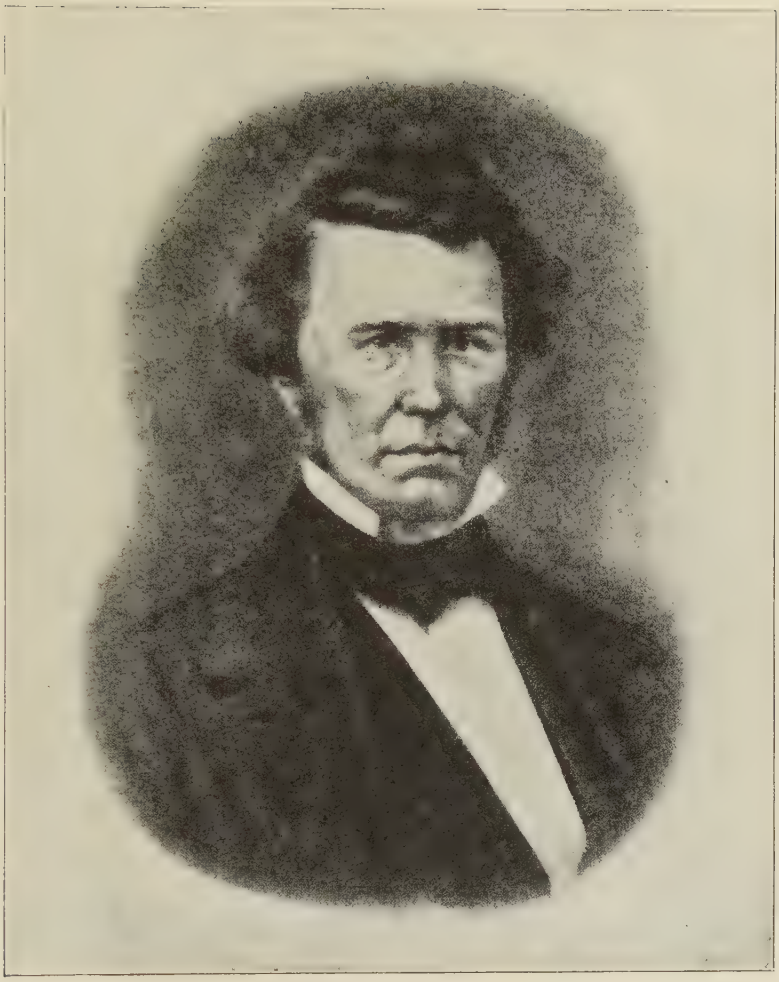
Ex-Speaker Seabury Ford was defeated by one vote by Edson B. Olds, of Lancaster, as speaker of the Senate, and William P. Cutler was elected speaker of the House after a sharp contest. Olds was subsequently a member of Congress—from 1849 to 1855. Cutler, whose home town was Marietta, and who was a prominent railroad executive of that time, held a seat in the constitutional convention of 1850-51, and in 1861-63 represented his district, as a republican, in Congress. Among the democrats who received votes for speaker of the House (receiving thirty-two votes) was Clement L. Vallandigham, of Dayton, afterwards the central figure in sensational proceedings brought on by his disloyalty to the Union cause during the war between the states.

The canvas of votes for governor, officially made in joint session of the assembly, gave William Bebb, whig, of Butler County, 118,869; David Tod, democrat, 116,484; and Samuel Lewis, abilitionist, 10,797. Governor Bebb was immediately inaugurated before the two houses.

Expressions of sincere regret were called forth in every section of the state by the announcement of the death in the Mexican war of Gen. Thomas L. Hamer, formerly prominent in the assembly and in Congress. Appropriate resolutions were adopted, eulogies pronounced by members, and a committee appointed to proceed to Mexico and convey his body to Ohio.

In 1847 there were still in Ohio a number of veterans of the Revolutionary war, which had closed sixty-five years before. The General Assembly now acknowledged the services of these venerable men by exempting from taxation their property to the amount of $500 each.

In the first week of January, 1847, occurred a memorable flood which did great damage in some sections of the state. The Scioto at Columbus and the Mad River at Dayton rose to such heights that they



WILLIAM BEBB

Governor December 12, 1846—January 22, 1849. Born 1802; died 1873.

washed away bridges and did enormous damage to canals, warehouses, packing houses, and live stock. Several lives were lost. Boats were used in rescuing people from their houses. In both cities the lower floors of homes, store rooms and warehouses were several feet deep in water. Precisely the same localities suffered that were most injured by the great floods of 1913—sixty-nine years later. "The national road between Columbus and Franklinton" and "from the canal to Jefferson street" in Dayton were deeply inundated.

An interesting picture of travel on a railroad is found in a letter from a Cincinnati visitor to Columbus, written to the editor of the Hamilton Intelligencer and published January 12, 1847:

"We left Cincinnati yesterday at one o'clock A. M., in the cars—none of your common country sugar camp cars that were very much used in the early settlement of the country and thought to be a great invention. We seated ourselves in the baggage car, where we remained during the route; for here, you know, we could smoke and chew tobacco, throw our legs across the seats, and make ourselves at home. Not so in the passenger cars. There you are bound to the observance of rigid rules of politeness. We arrived at Xenia about three A. M., and took the stage on to Jefferson and Springfield."

In April, 1847, a movement was well under way in Ohio, as well as in other parts of the country, to make Gen. Zachary Taylor the whig candidate for president in 1848. He had been removed by President Polk from general command of the army in Mexico, and was a popular idol. The whig papers in Ohio had some time before commenced a boom for Thomas Corwin, and some of them were unwilling to support anybody else. But many Taylor meetings were held throughout the State, and he grew in popular favor until he was chosen to lead his party to victory.

Thomas Corwin had, on February 11, 1847, delivered his famous address in the United States Senate against the Mexican war. He was at the acme of his career as an orator, and this speech set aflame all that part of the people who believed the war then in progress unjust and oppressive of a "sister republic." The address was published in full in all the whig papers—ten columns in small type—from a copy of it prepared by Corwin himself after the first reports by newspaper correspondents at Washington were found to be incomplete. It contained that passage which for half a century afterwards appeared in most of the collections for recitation, and which every school boy of that period knew by the title of "Retributive Justice."

But all the people did not approve the sentiments expressed by Senator Corwin. Soldiers in Mexico burned him in effigy, as reported in the papers, and in the assembly of Ohio a petition was offered by a democratic member of the Senate requesting him to resign. This petition excited the greatest rage in the breasts of Ohio's whig editors, and their comments upon it were extremely bitter. "Reemelin presented a petition to the Ohio Senate," said the Hamilton Intelligencer of February 30, "asking an inquiry into the propriety of requesting Hon. Thomas Corwin to resign his seat in the United States Senate and to confine him in the penitentiary. It will receive the rebuke it deserves at the hands of an insulted people whose favorite these craven hearted wretches would seek to disgrace."

The portion of Corwin's speech to which serious exception was taken included the following:

"The senator from Michigan (General Cass) says we will have two hundred millions in a few years, and we want room. If I were a Mexican I would tell you, 'Have you not room in your own country to bury your dead men? If you come into mine we will greet you with bloody hands, and welcome you to hospitable graves.'"

This bold speech cost him a measure of his popularity. Men who strongly opposed the war policy of the administration were still unwilling

to have our soldiers greeted "with bloody hands" and welcomed "to hospitable graves."

Forty-sixth Legislative Session

December 6, 1847, to February 25, 1848

Charles B. Goddard, of Muskingum, was made speaker of the Senate, and Joseph S. Hawkins, of Preble, speaker of the House.

The proceedings and enactments of the session were for the most part unimportant. The usual memorials to repeal civil disabilities of colored persons were received and ignored.—Documents from the governor concerning "plank roads" as an improvement in construction and repairs of highways, together with memorandum from New York's General Assembly on the same subject, were received and ordered printed for distribution.—Dr. Alfred Stille, an eminent physician of Philadelphia, on behalf of the National Medical Society, asked the Ohio Assembly to establish a system of registration of births, deaths and marriages. Such a system had never been provided in Ohio and there is no record that Doctor Stille's memorial received any attention.—On February 24, 1848, an act was passed authorizing the employment of convicts on the new state house, the erection of which was about to be resumed after some years of delay.—The Committee on Federal Relations made a report upon the acquisition of Texas, and declared in favor of prohibiting slavery in that state and in all territory acquired by the United States as a result of the Mexican war, which was still in progress. —A Superior Court was established in Cleveland.—An appropriate joint resolution was adopted touching the death of ex-President John Quincy Adams, which had occurred at Washington on February 2.—Auglaize and Morrow counties were organized.

One act of real moment provided for the creation of a sinking fund for the ultimate payment of the large debt contracted in the building of the canals. The loans to carry through that enterprise had been made with a proviso that they could be paid after the year 1850. The debt was now refunded to make it payable after 1860, and $100,000 was placed in the sinking fund which was to be increased 6 per cent each year. A commission was created to have charge of the fund.

As usual during campaigns for the election of a president, the people of Ohio were inundated with political news and comment in the newspapers. The whig and democratic parties both held state conventions in January, and for the first time adopted formal "platforms" declaring their positions on public questions. The papers informed their readers that the national convention held by the democrats at Baltimore, May 22-24, had nominated Gen. Lewis Cass for president and Gen. William O. Butler for vice president. The whigs, in Independence Hall at Philadelphia, on June 7th, had named Gen. Zachary Taylor and Millard Fillmore, who was the comptroller of the State of New York.

An event of great moment in Ohio was the publication of the proceedings in these conventions by part of the Ohio press the day after they occurred, for the telegraph wires had reached this state, and they brought surprisingly complete reports, considering that the service was so new. From this time forward news of the East was fresh when printed in Ohio, and that from Europe, which in the old days did not reach western readers in less than two or three months, was now less than two weeks old owing to the greatly improved trans-atlantic steamship service.

The presidential campaign was a furious one in the state. Although a northern man, Cass was a defender of slavery, but the whig party was declining and the democratic candidate received 154,773 votes to 138,359 for Taylor. Martin Van Buren, who had become a free soiler, received 35,347 votes. The total number of voters in the Ohio election was 328,479.

The newspapers of the state carried an item, early in the summer of 1848, listing the names of ten boys appointed from Ohio to the military academy at West Point, and among them was that of Philip H. Sheridan, of Somerset, Perry County, appointed by Congressman Thomas Richey, whose home was in the same village. Among the ten names three others later became generals in the Civil war—August V. Kautz, Charles R. Woods, and David S. Stanley. The last named distinguished himself by defeating the famous Confederate General Hood, at the battle of Franklin, and won his generalship for that achievement. No one in 1848 could possibly have foretold the wonderful career of the boy Sheridan. He was at that time seventeen years old.

ADMINISTRATION OF GOVERNOR SEABURY FORD

Forty-seventh Legislative Session

December 4, 1848, to March 26, 1849

Brewster Randall, representing Ashtabula and Lake counties, was chosen speaker of the Senate; John G. Breslin, of Seneca, speaker of the House. The clerk of the House was Stanley Matthews, of Cincinnati, who now, at the age of twenty-four, entered upon a public career of high importance in the history of the nation. In 1877 he became a United States Senator from Ohio and in 1881 a justice of the Supreme Court of the nation, in which exalted position he remained until his death in 1889.

This session, in both branches of the General Assembly, was the stormiest, and filled with the greatest excitement, in the history of the state thus far. The officers of the Senate were elected only after repeated balloting which occupied the entire time for almost two weeks. It required sixteen ballots to choose a speaker, 121 to elect a clerk, and sixty-nine to decide upon a sergeant-at-arms. The organization of the House was far more difficult than that of the Senate. On the first roll call only forty-two members answered to their names—less than a quorum. Each faction held separate meetings. Benjamin L. Leiter, of Stark, presiding over one, and A. T. Holcomb, of Jackson, over the other. Not until December 23 did the rival houses come together, and then did not effect an organization until January 23, 1849, because of a number of extremely bitter contests for their right to seats.

On the eighth of January the two houses met jointly to canvass the vote for governor, and another battle was fought out. There were charges of irregularity on the part of Speaker Randall of the Senate, who was the constitutional presiding officer of the joint session, and a committee was appointed to supervise the count and to correct errors which appeared in the returns of the election. The next day the committee reported the vote to be: Seabury Ford, 145,816; John B. Weller, 146,105. This would have placed Weller in the governor's office, but it was known that the returns from Defiance and Lorain counties had not been included in the count for reasons given that they were not made in conformity with the law. After another controversy over the situation a joint committee was instructed to examine the returns in the actual presence of the two houses, and it was not until January 22 that the footings were agreed to, as follows: Total vote, 297,943; for Ford, 148,756; for Weller, 148,445; scattering, 742. This gave Ford a plurality of 311 votes, and he was declared elected.

It had taken seven weeks of continuous conflict to arrive thus far, and the contest out of which it all grew—the election of a United States senator—was yet to be fought out. William Allen was the democratic candidate. Senator Thomas Ewing had resigned in order to accept the position of secretary of the interior, offered him by President-elect Taylor. Four ballots were taken in deciding upon his successor. The

SEABURY FORD

Governor January 22, 1849—December 12, 1850. Born October 15, 1801; died May 8, 1855. Member and speaker Ohio House; member State Senate.

result was certainly not even dreamed of when the General Assembly convened. How it was brought about has been told by one of the leading actors and forms one of the most interesting stories in the political annals of Ohio.

It was in this session that the shrewd exercise of the "balance of power" controlled by two members of the House of Representatives—Dr. N. S. Townshend, of Lorain County, and Col. John F. Morse, of Lake County—brought about results that were little short of revolutionary. These two men had been elected as independent free soilers, over whig and democratic opponents. In the Senate the two dominant political parties were a tie. In the House each of these parties lacked one of having half the entire membership. Townshend and Morse could, therefore, by joining the combined vote of either party, decide the election of a United States senator and the judges of the Supreme Court, who were then chosen by the two houses of the General Assembly in joint session.

What these two members insisted upon was the election of a man of pronounced anti-slavery views to the United States Senate and the repeal of the Black Laws. They first made this proposal to the whigs, naming as their choice for senator Joshua R. Giddings, a whig abolitionist. Four of the whigs refused to support him. They then went to the democrats with the suggestion that they combine forces in support of Salmon P. Chase, whose anti-slavery views were well known. Their proposal was agreed to and Chase was elected United States senator. In return for this favor Townshend and Morse supported the two democratic candidates for the Supreme Court and they were duly elected. Chase had drawn the bill for the repeal of the Black Laws. The democrats, true to their pledges, voted for it and these laws were repealed.[1]

Rarely has so small a minority accomplished so much in a legislative body. The Black Laws, as explained elsewhere, were the enactments grossly discriminating against the colored people of the state.

In addition to the repeal of the Black Laws another measure of importance was passed. On March 23, 1849, a resolution was adopted submitting to the people, at the October election, the question of holding a constitutional convention.

Party spirit ran high, and the uproar in the Legislature awoke responding echoes from every section of the state. Neither whigs nor democrats could muster sufficient strength to accomplish their ends. Each party desired to strengthen its position by deciding contests for seats in the Assembly in such a way as to give it the advantage. Long public statements were issued by assemblymen on both sides. Editors were in an excited state. A whig paper (The Hamilton Intelligencer) said while the trouble was at its height:

"Judge Read, at an unusual hour (eight o'clock) while all the Whigs were absent, swore in all the Democrats who claimed a seat, enough to give them a majority. The Whigs were sworn in by Judge Avery. What the outcome will be no one can tell. The Whigs have no right to surrender. They would be craven if they did. The contemptible trick by which the Locos sought to secure control of the house has no parallel in the annals of legislation."

And the democratic editors were quite as bitter in their denunciations of the whigs.

A genuine interest seems to have been aroused on the calling of a constitutional convention, a question which had been submitted to the electors of the state. The vote at the polls in October was: For the convention, 145,698; against the convention, 51,161.

Cholera again visited some Ohio cities in this year. In Cincinnati it became a scourge, and thousands fled. On July 8 it was reported in the Gazette of that city that deaths had numbered more than 1,000, and

[1] Dr. Townshend has left a full account of this political achievement in Ohio Archæological and Historical Publications, vol. i, pp. 117-119.

were then averaging about 100 daily—as many as 134 on one day. On the 17th the same paper stated that the fatalities for the month ending July 16th had been 3,618, that the epidemic in Columbus and Dayton was very severe, and that "the mortality in the penitentiary had been fearful." But by the end of July the epidemic was abating, people were returning to their homes, and we read the assurance that "business is being aroused from the long nap it has been taking."

The electric telegraph still had its appeal as the latest miracle of invention. Full news of President Taylor's inauguration, March 4, 1849, including his long address, was published the next day, with a conspicuous head, "By Magnetic Telegraph." Many parts of the state were provided with it, and a company was organized to connect Cincinnati and St. Louis, via Indianapolis. Railroads were rapidly growing in numbers, and there were advertisements of schedules of trains, all headed by a stock illustration of a train of three cars drawn by a locomotive which looked much too small to pull them. The American Express Company announced its service of forwarding by rail packages of fifty pounds or less with great speed and promptness.

The excitement over the discoveries of gold in California was intense in Ohio. The Intelligencer of Hamilton reflected this in many articles, the first of which appeared February 8, 1849:

"Gold Fever.—This epidemic is raging fearfully. Companies are forming in almost every town of any size in Ohio. The fever is not confined to the United States. It rages in Europe, England, South America and the 'isles of the sea.' The stories we hear from California exceed anything of history or romance that we have ever heard. They are wholly incredible. * * * Multiply Baron Munchausen by Gulliver's Travels and add Arabian Nights to the product, and the result will be far below the reports that come from the gold region."

Forty-eighth Legislative Session

December 3, 1849, to March 25, 1850

There was again great difficulty in organizing the Senate, and 300 ballots were taken before Harrison Gray Otis Blake, of Medina, was elected speaker. The political parties were evenly matched, with eighteen votes each, until the 301st ballot, when six senators failed to vote, giving Blake a majority of the votes cast. He afterwards represented his district as a republican in Congress (1859-1863), and was noted as the author of the postal money order system. He was a colonel in the Union army. Benjamin F. Leiter, of Stark County, the same who presided over one body of the divided House the year before, was made speaker of the Lower House at this session.

Among the influential members of the Assembly was Henry B. Payne, senator from Cleveland. He had been a presidential elector in 1848, but this was his first appearance in a state position. Afterwards he served as congressman and United States senator.

Blake resigned as speaker on January 18th of this session, offended at charges reflecting upon his conduct which were made from the floor of the Senate.

Fulton and Vinton counties were erected at this session, the eighty-sixth and eighty-seventh counties in the state.

Very little legislation of a general character was enacted. Scores of "plank road" companies were incorporated, as well as numerous new railroad companies, and a large number of local and private acts were passed. A joint resolution was adopted petitioning Congress to grant surviving soldiers of the War of 1812, and their widows, 160 acres of land each out of the public domain.

The constitutional convention which was to meet this year was granted the use of the hall of the House of Representatives in which to hold its sessions, and by resolution J. V. Smith was provided as official

reporter for that body. The necessary law preliminary to the meeting of the convention was passed, naming the first Monday in April, 1850, as the day for electing members by vote of the people, and the third Monday in May as the time for beginning its session. The election was duly held, on a strictly party basis, and the newspapers recorded the fact that the personnel consisted of fifty-eight democrats, forty-three whigs, and seven free soilers. If we may judge from the press reports, the constitutional convention attracted much attention. The proceedings and debates became so voluminous and complicated, however, that some of the editors frankly admitted that they did not know what was really being done. Many of them were highly impatient over the length of the time the convention took to reach a conclusion of its labors, and when the new constitution was finished the whig editors were outspoken in their denunciation of it, because, they thought, the democrats had got all the best of it in the provisions made.

The federal census of 1850 gave Ohio a population of 1,980,329, an increase of 461,862 during the preceding decade. The state was well intrenched in third place in the Union, no other having a population within 500,000 of it. New York had 3,097,394, and Pennsylvania, 2,311,786. The five most populous counties in Ohio were: Hamilton, 156,844; Cuyahoga, 48,099; Muskingum, 45,059; Franklin, 42,909; and Stark, 39,878. Cincinnati had within its limits 115,435 people; Columbus, 17,822; Cleveland, 17,034; and Dayton, 10,977. All of these cities have maintained a high position in regard to population ever since. Akron was very low in the list, and Toledo, for many years one of the five leaders, contained only 3,829 in 1850. Ohio cities as a group were the largest in the West. The population of Louisville was 43,194; that of Chicago, 29,963; and that of Detroit, 21,019. No other western cities could compare with these except St. Louis, which contained 41,000 fewer people than did Cincinnati.

ADMINISTRATION OF GOVERNOR REUBEN WOOD

Forty-ninth Legislative Session

December 2 to March 28, 1851

This was the last session of the General Assembly held under the old constitution. Thereafter there were only biennial meetings, except in cases of temporary adjournments or in extraordinary sessions called by the governor.

Charles G. Convers, of Muskingum County, who had presided over the Senate at the preceding session after the resignation of Speaker Blake, was now reelected to the place, and John F. Morse, of Ashtabula, was made speaker of the House of Representatives.

The canvass of the vote for governor at the preceding election showed the following result: Reuben Wood, democrat, 133,093 votes; William Johnston, whig, 121,105; Edward Smith, candidate of the abolition party, 13,747; scattering, 93. Total, 268,038.

There was a prolonged struggle in the election of a United States senator. Voting began January 30, was postponed from time to time, and the election of Benjamin F. Wade was finally accomplished on March 15.

Rufus P. Ranney, of Cleveland, was elected Supreme Court justice by the Assembly. The next year he was elected to the same office by popular vote, and served until 1857, when he was appointed United States district attorney for Ohio. In 1859 he was a candidate for governor, but was defeated. From 1862 to 1864 he was again on the Supreme bench, but resigned to resume practice of the law in Cleveland. Judge Ranney was noted as one of the great lawyers of his time.

George Hoadley first became prominent at this time—by his selection

REUBEN WOOD

Governor December 12, 1850—July 13, 1853. Born 1793; died October 1, 1864. Member State Senate; justice and chief justice Ohio Supreme Court; minister to Chili, S. A.

by the General Assembly as judge of the Superior Court of Cincinnati. He was actively before the public thereafter, and became governor in 1883.

During this legislative session the initial effort was made to curb indiscriminate sale of intoxicating liquors. An act passed on March 12, 1851, made it unlawful to sell, vend, or give away any spirituous liquors to be drunk on the premises where sold, or in any quantity less than one quart. The penalty imposed was a fine of $5 to $25. It was not effective in accomplishing results, but it was accepted by the temperance people, who had been unceasing for years in their war against the traffic, as a step in the direction of reform of the grog shops.

By a law of March 11, 1851, Noble County was set aside and organized. This made the total number of counties eighty-eight, at which it still stands.

A special election on acceptance or rejection of the new state constitution was held on June 17, 1851. At the same time a separate vote was taken on the question whether or not licenses should be granted for the sale of intoxicating liquors. The vote on the constitution was reported as 125,564 for it, and 109,276 against it—so it was adopted by a majority of 16,298 in a total vote of 234,840. No-license was adopted by 113,237 to 104,255. The temperance advocates voted against license, believing that without license the liquor traffic would be outlawed, but the result was disappointing, and the traffic continued practically without restriction.

A pleasing and interesting event of the year was the tour of Jenny Lind, the "Swedish Nightingale." P. T. Barnum, who was her manager, has shown in his memoirs the advertising methods by which he made famous the name of this young woman before her arrival from England, and created such a desire to see and hear her that people paid fabulous prices for the privilege. The papers of Ohio contained columns about her before she reached the state in her travels, and when she appeared in Cincinnati, on April 17 of this year, the event assumed the proportions of a very great occasion. The first choice of a seat was sold at auction to a Cincinnatian for $580, and it became known later that he had taken $1,500 to the sale with the intention of bidding up to that amount, if necessary, to get the coveted right to make his selection of a seat before the box sheet was opened to the general public. The total receipts for the concert were more than $20,000, according to the newspaper reports. Almost a riot occurred. A large crowd outside the hall on the night of the concert broke the windows and then tried to force an entrance through the stage door. Policemen, stationed there in anticipation of such an event, fired on the crowd, and the fire was returned. This occurred while Miss Lind was singing, and it "stopped her in the midst of her piece." There was great uneasiness in the audience, some of whom rose preparatory to escaping from possible danger, but Jenny stepped forward, "with a burst of melody caught the multitude, and held them entranced." One primitive music critic wrote that "you could hear a pin drop." Jenny Lind sang in Columbus and other Ohio cities, with successes worthy of her tremendous reputation.

Fiftieth General Assembly

Regular Session, January 15 to May 3, 1852; Adjourned Session, November 15, 1852, to March 14, 1853

Lieutenant Governor William Medill, by virtue of his office, became president of the Senate; James C. Johnson, of Medina County, was chosen speaker of the House. Medill had previously served as assemblyman and congressman; had been assistant postmaster general and United States Commissioner of Indian affairs, and was chairman of the Constitutional Convention of 1850-51. In 1853 he became governor. His home was at Lancaster, Fairfield County, where he died in 1865.

Under the new constitution all state officers were elected by the people. The joint session of the Assembly canvassed the vote cast for them in the October election, and declared the results as follows:

Reuben Wood, democrat, with 145,654 votes, reelected governor, over Samuel V. Vinton, whig (119,548), and Samuel Lewis, abolitionist (16,918). The total vote was 282,182, of which 62 were "scattering."

Lieutenant Governor—William Medill, 146,053; Ephriam R. Eckley, 119,984; Nicholas Spindler, 15,839.

Secretary of State—William Trevitt, 145,636; Earl Bill, 120,256; Henry W. King, 15,768.

Auditor of State—William D. Morgan, 145,617; John Woods, 123,583; Jacob Heaton, 13,633.

Treasurer of State—John G. Breslin, 145,331; Albert A. Bliss, 124,554; Tobias A. Plants, 13,127.

Attorney General—George E. Pugh, 147,482; Henry Stanberry, 119,429; William A. Rogers, 12,883.

Attorney General Pugh afterwards became United States senator from 1855 to 1861, and one of the most prominent figures in the councils of the democratic party.

The need of far greater accommodations for insane persons now made the subject a pressing one, and a commission appointed at this session of the Assembly to take it up resulted in a few years in the building of a large asylum at Columbus and others at Cleveland and Dayton.

An occasion of importance in the Legislature was the official reception on February 17, 1852, of Louis Kossuth, the famous Hungarian patriot, who was touring the country. Before a joint session he delivered an address, as did also Governor Wood, Lieutenant Governor Medill, and Speaker Johnson.

A much belated adjustment, on a better basis, of the salaries of state officers was now made. Although they were considerably higher than those paid before, they were still insignificant by modern standards. The governor received $2,000 per year; lieutenant governor, $800; supreme judges, $1,700 each; members of the board of public works, $1,700 each; secretary of state, $1,400; treasurer, $1,500; auditor, $1,600; attorney general, $1,000 and 3 per cent for collections up to a total (salary and commissions) of $1,400; members of the Legislature, $4 per day each. Fees and salaries for all county officers throughout the state were also readjusted, generally at an increase.

Wolves were still very numerous in some parts of Ohio in 1852, and provision was made at this session to encourage their destruction by raising to $4.25 each the price paid for their scalps.

On July 15, 1853, Governor Wood resigned from his office in order to accept the post of United States consul at Valparaiso. By this act William Medill became governor, to serve until the next election, when he succeeded himself.

The state house was burned on Sunday morning, February 1, 1852. It was now very generally referred to as "old," although it had existed but thirty-six years and had, when new, been the great pride of the state. Had it been built in the classic style age would not have detracted from its appearance, for "a thing of beauty is a joy forever." But not having been modeled after the temples of Greece or Rome, it had ceased to be attractive. Besides it was no longer adequate to the needs of the state. It was in the way and somewhat obstructed the view of the newer structure that had been rising in stately proportions, and no serious regret was felt when it went up in smoke and flame. A local paper on the day following thus described the burning of the capitol:

"Yesterday morning, about four o'clock, the cry of fire rang through our streets. It was soon ascertained that the Old State House was on fire. The watch first discovered it in the center of the Senate

Chamber and on the floor. This was nearly extinguished when it was discovered that the timbers overhead and near the belfry were on fire. Soon it burst out through the roof, and the entire belfry was quickly in flames. The engines could not reach the fire, and it was then evident that the venerable old edifice in which the legislature of Ohio has met for the last thirty-five years was doomed to destruction. The belfry, after burning brilliantly for a few minutes, came down with a crash upon the floor of the senate chamber. The roof then gradually fell in and the upper story of the building was a mass of flame. An effort was made to confine the fire to the senate chamber and the upper rooms, but there was too heavy a mass of burning matter on the floor to be extinguished and soon the flames reached the Hall of Representatives. The origin of the fire has not been ascertained. The desks, chairs and furniture had been removed, and the entire building was then resigned to its fate. In the senate chamber very little was saved. We learn that the clerk's papers were all secured, but that a large mass of documents, journals, constitutional debates, etc., were consumed. The loss of the state is not great, as it is hoped that by 1853-4 the State House will be so far completed as to permit the session of both houses in the new halls."[1]

The United States courthouse, which was on the public square near the ruined state house, was used for the sessions of the senate, and the "Odeon hall," directly opposite on High Street, was secured for the use of the House of Representatives.

Kossuth's Visit to Ohio

A nation that has achieved its freedom and independence naturally sympathizes with those who aspire to the realization of like ideals. In the United States there has always been a prompt and cordial response to the appeals of those who would be free, even as we are free. Our sympathy with oppressed people found expression in behalf of the South American republics in their effort to sever the bond that held them to Spain; in the early struggles of Greece to regain her independence; in the appeal of the great Hungarian, Louis Kossuth, for the liberation of his native land from Austrian rule; in the earlier and later struggles of Cuba for freedom under the flag of the single star.

The visit of Kossuth is notable as a tremendous manifestation of sympathy for the oppressed struggling to be free under republican institutions. The cause and the man helped to swell the acclaim. Louis Kossuth was at the zenith of his intellectual powers. The story of his patriotic effort and exile in behalf of Hungarian independence had preceded him. His presence and bearing won the multitude and his fervid eloquence reached all hearts. Speaking in a language other than his native tongue, he was soon pronounced by critics who heard him as the greatest of the world's orators. The crowds that came forth to see and hear him rivaled in enthusiasm those who had welcomed Lafayette. Governors, congressmen and cabinet officers delighted to honor him. The vice president of the United States presided at a banquet at which Daniel Webster, then secretary of state, paid eloquent tribute to the illustrious visitor.

Landing in New York City on December 5, 1851, his progress through the country was a continual ovation. In Philadelphia he was received at Independence Hall. A vast concourse of people welcomed him to Baltimore. In Washington he appeared before the Senate and House of Representatives where he was the recipient of marked demonstrations of favor. A congressional banquet was given him at the National Hotel, at which the vice president of the United States presided and Daniel Webster closed a brief speech with the sentiment, "Hungarian independence, Hungarian control of her own destinies and

[1]Ohio State Journal, February 2, 1852.

Hungary as a distinct nationality." He made three speeches at Faneuil Hall, the first of which appears at length in "Harper's Encyclopaedia of United States History." In all his numerous addresses he showed a most intimate knowledge of American history and American institutions.

On the morning of February 4, 1852, Kossuth left Cleveland for Columbus. The people of Ohio along his route came forth to greet him with offerings of money for the support of his cause. He was presented to crowds at Berea, Grafton, Lagrange, Wellington, New London, Shelby, Cardington and Ashley. In Columbus extensive preparations had been made for his reception. On February 5, from a platform on High Street opposite the state house grounds, he delivered a notable address to a vast assembly of people that extended far beyond the reach of his sonorous voice. In this address he made reference to the fact that on his way hither through the state he had received gifts of money. Two brief extracts from his speech must suffice:[2]

"Citizens of Columbus, the namesake of your city, when he discovered America little thought that he would liberate, by his discovery, the Old World (cheers); and those exiles of the Old World who, sixty-four years ago, first settled within the limits of Ohio at Marietta, little thought that the first generation which would leap into their steps would make despots tremble and oppressed nations rise. (Great cheering.) And yet thus it will be. The mighty outburst of popular feeling which it is my lot to witness is a revelation of that future too clear not to be understood. The Eagle of America beats its mighty wings; the Stars of America illumine Europe's night; and The Star Spangled Banner, taking under its protection the Hungarian flag, fluttering loftily and proudly in an imposing attitude, tells the tyrants of the world that the right of freedom must sway. * * *

"I came to the shores of your country pleading the restoration of the law of nations to its due sway, cruelly violated in my downtrodden fatherland; and as I went on pleading I met flowers of sympathy. Since I am in Ohio I meet fruits (great cheering); and as I go on thankfully gathering the fruits new flowers arise still promising more and more beautiful fruits. (Renewed cheering.) That is the character of Ohio, and you are the capital of Ohio."

Two days later Kossuth addressed the two houses of the General Assembly in joint session. His speech in manuscript form is still preserved. In thanking the Assembly for its resolutions of sympathy and support he said among other things:

"Ohio has given its vote by the resolutions I had the honor to hear, and Ohio is one of the brightest stars of the Union. Ohio's vote is the vote of two millions and it will have its constitutional weight in the councils where the delegates of the people's sovereignty find their glory in doing the people's will. (Applause.)

"Sir, it will be a day of consolation and joy in Hungary when my bleeding nation reads these resolutions which I will send her. (Applause.) They will spread like lightning over the gloomy land and my nation, unbroken in courage, steady in resolution, firm in confidence, will draw still more courage, more resolution from them."

According to the newspaper report there was at the conclusion of this speech "tremendous applause." Kossuth delivered other addresses while in Columbus. He left the capital city on the morning of February 9 on his way to Cincinnati.[3] At Xenia, Springfield, Dayton and Hamilton immense crowds came to meet him. The crowning event of his tour through the state was his reception at Cincinnati, where "it is estimated

[2]For full text of speech and extended account of the visit of Kossuth to Columbus, see Alfred E. Lee's "History of the City of Columbus," Vol. II, pp. 38-48.

[3]For extended account of Kossuth's visit to Cincinnati, see Charles T. Greve's "Centennial History of Cincinnati, Vol. I, pp. 725-729.

that one hundred thousand people assembled to welcome the great Magyar." Here he was formally received February 12. While traveling through the state Kossuth[4] is said to have received in contributions for the Hungarian cause about $16,000. The private secretary who accompanied him on this remarkable tour was William T. Coggeshall, afterward state librarian of Ohio and minister to Ecuador.

On March 22, 1852, occurred the death of former Governor Jeremiah Morrow at his home in Warren County. His great services to the state were much extolled. The Cincinnati Atlas concluded a long editorial on the man in these words:

"It has been one of the peculiar advantages of Ohio that she had some such men as Morrow to lay the foundations of the state. They have laid them on the rock of Integrity, Intelligence and Faith. The winds cannot shake the solid fabric they have erected; and its prosperity, character and strength are the monuments by which the memory of Morrow and his compeers will, we trust, be long perpetuated."

The presidential campaign in 1852 was less exciting in Ohio than any since that of 1816. There was no great personal enthusiasm among the whigs for Gen. Winfield Scott, nor among the democrats for Franklin Pierce. Both parties held state conventions, named "senatorial delegates" and announced the representatives from the various districts to the national conventions. Those for the whig party were: John Sherman and Samuel V. Vinton, representing the state at large, and the following from the respective districts: Charles Anderson, W. H. P. Denny, E. F. Drake, Rodney Mason, George B. Way, William H. Gibson, James H. Thompson, Seneca W. Ely, P. Van Trump, Samuel Galloway, A. B. Norton, William E. Finck, Dr. M. Green, D. D. T. Cowen, H. A. Guild, Cyrus Spink, Cyrus Prentiss, J. A. Harris, and W. F. Lockwood.

Ohio whigs strove to have Cincinnati selected for the national convention, but Baltimore was chosen, the date June 16. General Scott was nominated after a week of balloting, the final vote giving him 159 Millard Fillmore, 112, and Daniel Webster, 21. Samuel V. Vinton, of Ohio, was the chairman of the National Whig Committee during the campaign.

The democrats also held a strenuous convention and when they finally named their candidate the question in Ohio papers was "Who is Franklin Pierce?" Ohio's vote in November was: Pierce, 168,933; Scott, 152,523; John P. Hale, free soiler, 31,732. Total, 353,188.

The defeat in the country of General Scott was looked upon by the democrats as the death blow to the whig party—and such it proved to be. But the whig editors were far from being willing to concede this. They made a bold stand, and did much fine and vigorous writing. An example of this was a long editorial in the Scioto Gazette, from which the following extract is taken:

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[4]Louis Kossuth, Hungarian patriot, was born in Hungary, April 27, 1802. He died in Turin, March 20, 1894. He was a member of the Hungarian Diet 1832-1836; imprisoned for political reasons by the Austrian government 1837-1840; reelected to the Diet in 1847; became minister of finance in the Hungarian ministry in 1848. When the Hungarians rose in insurrection against Austria and the Diet declared Hungary independent, Kossuth was appointed governor. On August 11th of the same year he resigned to General Gorgëi, who surrendered two days later to the Austrians. Kossuth fled to Turkey, where he remained a prisoner in exile until 1851, when through the influence of Great Britain and the United States he was given his freedom. While in prison he studied the modern languages and was thus able to address his audiences in the English, German, French and Italian languages. He visited Great Britain and the United States and appealed to Napoleon III and Victor Emanuel in behalf of his fatherland. While these nations were in hearty sympathy with him, they refused to go to the extent of intervention in behalf of his country. In 1867 he was granted amnesty and might have returned to his native land. He, however, refused to do this. Shortly before his death he published "Memories of My Exile." His visit to America ended in July, 1852.

"The Whig party die out! What fool believes it? The party which enrolls among its worthies Clay, Webster, Clayton, Crittenden, Fillmore, Harrison, Taylor, Scott, Badger, Mangum, and a host beside cease to exist? The party on which, even in its darkest hours the hopes and expectations of national liberty depended, and around which they now cling, as the ivy clings around the riven but sturdy oak! Thank God for the Whig party of the United States, for so long as it exists, neither ourselves nor our children will want for proud recollections or precious principles to love, honor and cherish."

The papers of the year 1852 were twice in mourning. Henry Clay died at Washington on Tuesday, June 29, and Daniel Webster at Marshfield, Massachusetts, on Sunday, October 24. Although they had failed to reach the goal of the presidency, which both intensely desired, they were held in the highest honor in Ohio. Clay was a familiar figure in most parts of the state, and Webster had spoken frequently before great Ohio audiences. When Clay's remains were conveyed to his Kentucky home they passed through Ohio, stopping at Columbus and Cincinnati. The demonstration of respect in the latter city took the form of an immense procession.

An item of genuine interest to newspaper readers was published in the Cincinnati Gazette of December 14, 1852. Warren Stagg, a noted "ham curer" of that city, had the previous summer sent a dozen choice specimens of his product to Queen Victoria in England. They were served at her majesty's table, and in December he received the following note on stationery bearing the royal coat of arms:

"Windsor Castle, Oct. 29, 1852.

"Sir:

"Some weeks ago a cask, containing twelve sugar cured hams, was presented by you, through the Hon. Abbott Lawrence, to her Majesty the Queen.

"I have the satisfaction to inform you that these hams have been so much approved-of that you are requested to forward, on the receipt of this letter, twenty-four hams of precisely the same description, addressed to The Queen, Buckingham Palace, London.

"I will at the same time beg of you to forward me the bill for the same.

"I am, Sir, Your ob't humble servant,

"Tho. Biddulpt,

"Master of the Household.

"Mr. Warren Stagg,

"Cincinnati, Ohio, U. S."

The Gazette spread all this conspicuously, and in its editorial columns trusted "that Mr. Stagg will allow his children to play with his neighbors' children as heretofore, notwithstanding his sudden elevation in the world of trade."

During the year 1852 much interest was manifest in the consideration of the advantages of coal over wood as a fuel. Mining had been under way to some extent in Jackson County, and the only obstacle to using coal in the larger cities was the lack of transportation. "Coal Roads" were now agitated, and it was not many months before the mining districts were reached by a few railroads. Coal was thereafter available in all sections where railroads were in operation.

Harriet Beecher Stowe's "Uncle Tom's Cabin," which was drawn from her observations while for many years a resident of Cincinnati, had become a subject of enormous interest by the end of 1852, when the book was fresh from the press after the story had been published in serial form by the National Era, of Washington. The Ohio papers were filled with accounts of it, of its author's life in Cincinnati, and of its reception in England. The Hamilton Intelligencer of December 23, 1852, said: "Everybody has heard of this book, the greatest celebrity of modern times. Bayard Taylor says, in a recent letter from London,

that in England there are now thirty editions on the market, and nearly a million of them sold. Such a 'run' is without parallel in the history of literature." A peculiar fact was that Mrs. Stowe was criticised, even in Ohio, some months later, when she was visiting in England, because of her close intimacy there with high people who were avowed abolitionists. She had been supposed to be in favor, not of abolition, but of colonization of the negroes.

It was not until 1853, when Ohio contained more than 2,500,000 people, that any means was found for throwing water on burning buildings other than the machines pumped by the labor of squads of men, taking turns. In April, 1853, the Dayton Journal contained an article descriptive of "a new steam fire engine," just invented, which the editor had had an opportunity to see tested. "It is a wonderful machine," he wrote, "and does more execution than a dozen ordinary engines, as it throws six streams of water and never requires a change of hands to 'man the brakes.'" The inventor, when interviewed by the editor, stated that he had not developed the engine for profit, but solely to prevent waste by fires which might be more quickly extinguished by it.

With the increase of traffic on the railroads came accounts of accidents on them, and these so grew in numbers and in magnitude that the newspaper editors were seriously alarmed. They published the most complete details of all these catastrophes—not only those in Ohio but those in other states as well—and inveighed against the managers and employes of the roads, whom they held largely responsible. Extracts from two of these attacks are interesting now as showing the methods of running railroads in those early days. They are typical of all. On May 12, 1853, the Hamilton Intelligencer published this, under the head "Terrific Railroad Murder:"

"It must have been remarked by every reader of news that recently railroad accidents have been fearfully on the increase, both in number and extent. * * * This spring the managers of railroads seem to have become possessed of some foul spirit of destruction, and every week records a wholesale murder. People are crushed according to system, or drowned at leisure. They are pitched into pi by a collision, tumbled down a huge precipice, whirled over a draw-bridge, or run through by a cross-train. A point of etiquette, about the right of way or some such thing, seems sufficient in the mind of a railroad official to justify the murder of twenty or thirty people—and so they are duly murdered."

And a week later under the caption "Conduct of Railroad Engineers" the same paper had this:

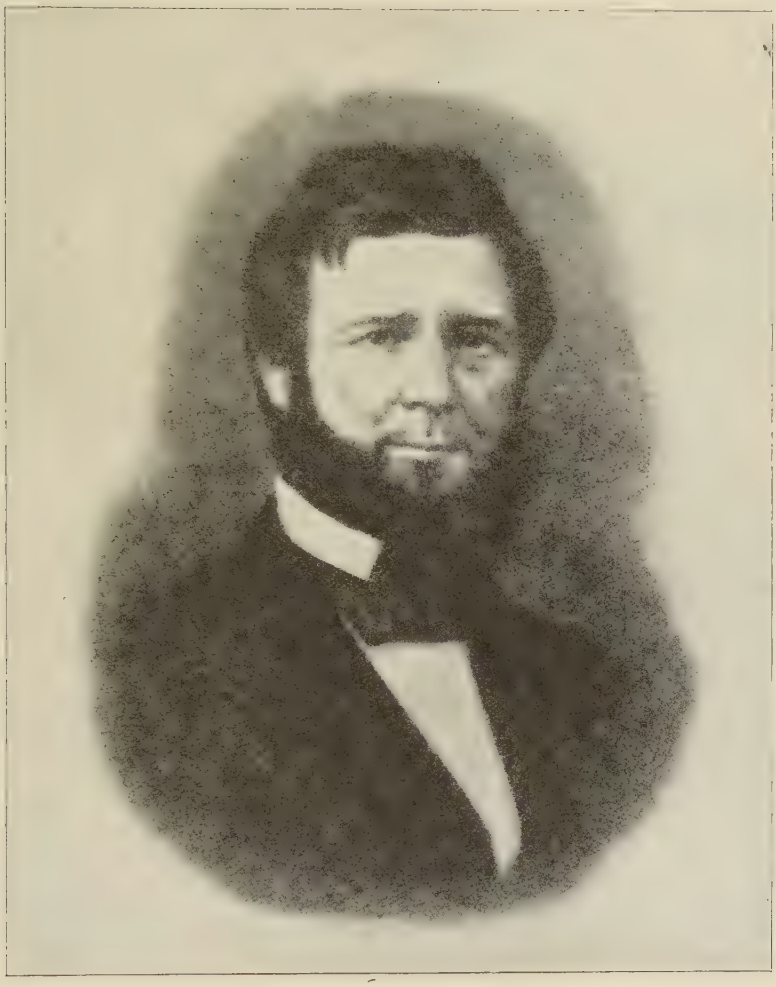
"The late occurrence at Norwalk has been the cause of considerable inquiry into the disposition and conduct of a class of men upon whose sobriety and careful attention depend the lives of many thousands of persons daily. We regret to say that these examinations root out more than one 'bad egg.' For instance: We are informed by a person who is familiar with the working of railroad trains on an Ohio road that he has frequently seen an engineer put on steam to run down a cow! And he has seen an engineer with several carloads of passengers sit quietly for ten minutes at a time with his back toward the head of the engine! Had he met with any obstacle, this foolhardy villain and all with him might have been dashed into eternity."

ADMINISTRATION OF GOVERNOR WILLIAM MEDILL

Fifty-first General Assembly

Regular Session, January 2 to May 1, 1854

Lieutenant Governor James Myers was president of the Senate. Francis C. LeBlond, of Mercer County, was chosen speaker of the



WILLIAM MEDILL

Governor July 13, 1853—January 14, 1856. Born 1805; died September 2, 1865. Member Ohio Legislature; congressman; assistant postmaster-general and commissioner-general; president Constitutional Convention of 1850; lieutenant-governor; first comptroller of currency.

House. He later (1862-63) represented his district in Congress.

The official canvass of votes at the recent election disclosed the following results:

For Governor—William Medill, democrat, 147,663; Nelson Barrere, whig, 85,857; Samuel Lewis, abolitionist, 50,346; scattering, 21. Total, 283,866.

For Lieutenant Governor—James Myers, 147,905; Isaac J. Allen, 127,282; Goodsel Buckingham, 31,333.

For Secretary of State—William Trevitt, 151,818; Nelson H. Van Vorhes, 97,500; William Graham, 33,518.

For Treasurer of State—John G. Breslin, 151,226; Henry Brackman, 95,862; Wesley Chaffin, 33,934.

For Attorney General—George W. McCook, 149,957; W. C. Gibson, 97,394; Cooper K. Watson, 35,504.

The new attorney general was one of the famous "Fighting McCooks." He had served as an officer throughout the Mexican war, and was one of the first four brigadier-generals appointed by the governor of Ohio at the outbreak of the Civil war. His law studies had been pursued in the office of Edwin M. Stanton, in Steubenville, and at the time of his election as attorney general he was a partner of that noted lawyer. As attorney general he edited the first volume of the "Ohio State Reports."

The term of Salmon P. Chase as United States Senator having expired, George E. Pugh was elected his successor, the democrats having a majority in both houses of the General Assembly.

This Legislature passed many laws during its single session, but none of them was of great importance. A resolution was adopted favoring a railroad from some point on the Mississippi River to one on the Pacific coast. The question of building such a road, with assistance of the Federal Government, was an important one. The thousands who had first migrated to the gold regions of California had traveled on ships. "Prairie schooners" had followed, with the attendant dangers of attack by hordes of savages, and there had grown a demand for transportation by rail.

An event of June 26, 1854, which created a great sensation throughout the state was a murder in Cincinnati by use of an "infernal machine" —the first case of its kind known in the West. Two deaths were caused by a terrific explosion of a small box at the Marine Hospital, corner of Western Row and Longworth Street. "Upon entering the room," said an account of it, "the attendants found the ceiling and the windows torn to pieces, and Mr. Allison and his wife horribly mangled." Then followed, for some months, many columns in all the papers of the state recounting details of the investigation, the arrest of one Arrison, his trial, conviction and sentence to be hanged.

The year of 1854 was full of political excitement. The "Know-Nothing" party, or "American Party," as it called itself, came into existence, advocating "no naturalization of foreigners," "war on Romanism," "American laws and American legislation," and "death to all foreign influences, whether in places high or low." This party was very active, and, as the foreign population in some of the cities was large, clashes were frequent. A climax was reached in April, 1855, in a riot in Cincinnati. On election day for city officers, the Germans of the Eleventh and Twelfth wards took charge of the ballot boxes, and, as reported, refused to allow the "Americans" to vote. The latter formed a mob and destroyed the boxes and ballots. The Germans called out a few military companies composed exclusively of their own countrymen, took a brass cannon belonging to the Federal Government, planted it at the corner of Vine Street and the canal, barricaded the streets, and prepared for war. Many shots were fired from window and several lives were lost. The "American Reform Party" assembled at their various quarters and passed resolutions condemning "the frauds

which characterized the elections in the Eleventh and Twelfth wards, and the brutal personal assaults which were perpetrated on our American and Protestant fellow citizens by the lawless foreigners and emissaries of the Pope."

Governor Medill went to Cincinnati and threatened to call the militia there; the disturbances were finally quelled. Cincinnati at that time contained almost as many foreigners as native born people.

This year saw a great agitation—the most general so far in the history of the country—on the slavery question. Congress repealed the Missouri Compromise of 1820, which had pledged the nation to no-slavery "north of 36.30." The admission of Nebraska as a slave state, if the people there should vote for it, was proposed. This set the anti-slavery people aflame. Political party affiliations were in large measure forgotten, and on July 13, 1854, an "anti-Nebraska" convention was held in Columbus, attended by more than a thousand delegates, made up of whigs, democrats and free soilers jointly. Resolutions were adopted against the admission of Nebraska except as a free state, and candidates were nominated for the only two offices to be filled—Joseph R. Swan for supreme judge, and Jacob Blickensderfer, Jr., for member of the Board of Public Works, the election to be upon the issue of extension of slavery proposed in the Nebraska bill. This was followed by a campaign of great intensity. At Dayton, on September 21, a meeting attended by 10,000 was addressed by Benton of Missouri, Mace of Indiana, and other prominent democratic leaders, and by Parker of Indiana, Wade, and Schenck of Ohio, and other well known whigs, all opposed to the extension of slavery. Equally notable meetings were held in all parts of the state. At the election the majority for the ticket espoused by the anti-Nebraska party was more than 80,000. Every congressman elected was on the same side of the question. Only five counties in the state gave democratic majorities. Among the congressmen elected were many who afterwards became conspicuous. The complete list was as follows:

T. C. Day, J. Scott Harrison, L. D. Campbell, M. H. Nichols, Richard Mott, J. R. Emrie, Aaron Harlan, B. Stanton, C. K. Watson, P. F. Moore, V. B. Horton, Samuel Galloway, John Sherman, Philemon Bliss, W. R. Sapp, E. Ball, J. C. Albright, B. F. Leiter, Edward Wade, Joshua R. Giddings and John A. Bingham.

In the year 1855 a matter of popular interest was a new schedule of postal rates. For the first time it was required that all postage must be prepaid. Letters of one-half ounce weight were carried 3,000 miles for 3 cents. Postage on "drop letters" (for local delivery) was 1 cent each. Letters could be registered for 5 cents extra, but the Government disclaimed all responsibility or liability for their loss.

Much was made in the papers of the performance on many race tracks of "Pocahontas the Great Pacer," foaled and raised in Butler County. She was the equine wonder of the age, and easily defeated all other horses which had become famous—at Cincinnati, pacing a mile in 2:34; at New Orleans, in 2:24½; at St. Louis, in 2:20½, and finally in New York she defeated the great "Hero" in 2:17½, "the shortest time on record," as the papers noted with wonder. The New York Express published a full account of this race, which was copied in Ohio papers. "Hero was nowhere," said the Express, "and was declared distanced. The mile was accomplished by Pocahontas in the incredibly short period of 2m, 17½s, the greatest feat ever yet performed. It is the more remarkable, too, inasmuch as harness, wagon and driver weighed 265 lbs.!"

The campaign of 1855, at which state officers were elected, was between democrats and republicans. John Sherman was chairman of the republican convention which met at Columbus July 13. A full republican state ticket was nominated, headed by Salmon P. Chase for governor, and a platform adopted strongly opposed to the extension

of slavery. The issue on this question was clearly drawn, and the republican victory was a distinct declaration of the position of the people of Ohio upon it.

ADMINISTRATION OF GOVERNOR SALMON P. CHASE

Fifty-second General Assembly

First Session, January 7 to April 11, 1856; Adjourned Session, January 5 to April 7, 1857

Thomas H. Ford, lieutenant governor, presided over the Senate, and Nelson H. Van Vorhes, who had two years before been defeated as a candidate to be secretary of state, was speaker of the House of Representatives.

The official vote on the various candidates for state offices was thus declared:

Governor—Salmon P. Chase, 146,770; William Medill, 131,019; Allen Trimble, American, 24,276. Total, 302,065. The American party candidate was the same Allen Trimble who had been the whig governor thirty years before—1826 and 1827—and who had not been willing to take part in the fusion which brought the republican party into existence.

Lieutenant Governor—Thomas H. Ford, 169,408; John Myers, 134,385.

Secretary of State—James H. Barker, 168,724; William Trevitt, 133,641.

Treasurer of State—William H. Gibson, 169,350; John G. Breslin, 132,295.

Auditor of State—Francis M. Wright, 169,218; William D. Morgan, 134,504.

Attorney General—Francis D. Kimball, 168,868; George W. McCook, 132,216.

Attorney General Kimball resigned later in the year, and was succeeded by Charles P. Walcott. State Treasurer Gibson also resigned, under fire, charged with irregularities, and was succeeded by A. P. Stone.

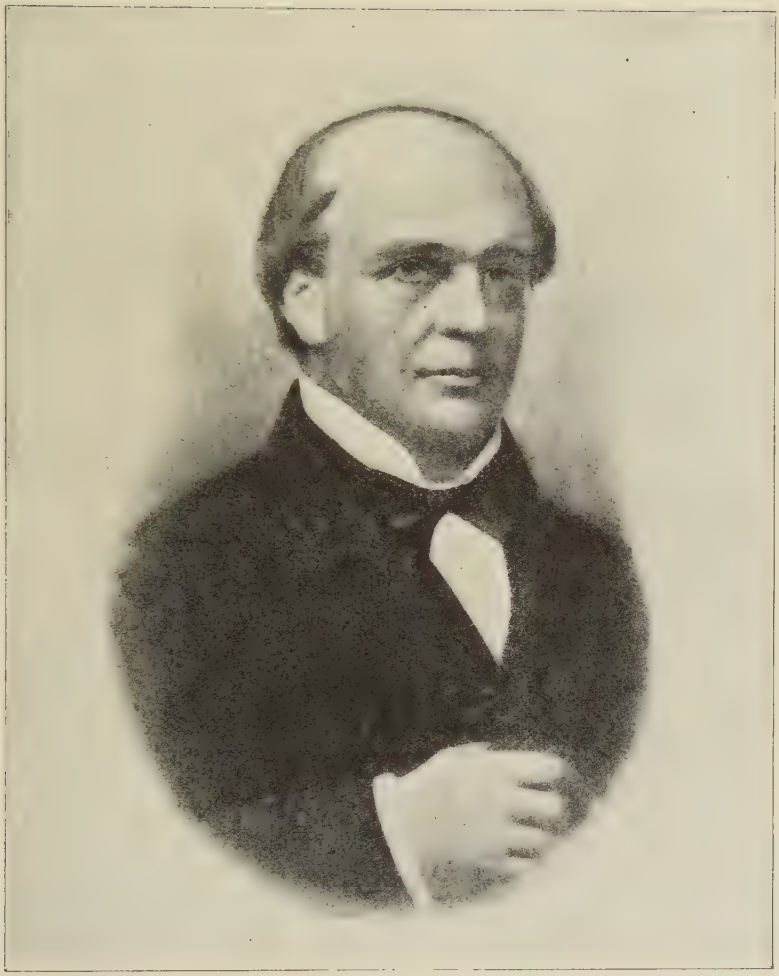
Trustees were appointed for the Northern Ohio and the Dayton lunatic asylums, as those institutions were now in full operation.

William T. Coggeshall was appointed state librarian. He was a well known journalist of Cincinnati, and was later sent as minister of the United States to Ecuador, where he died in 1867. Mr. Coggeshall had served as secretary to Louis Kossuth, the Hungarian patriot, during his tour through the country in 1852.

This session was not without evidence of personal animosities caused by political differences. One of these culminated in an assault by Representative John P. Slough, of Cincinnati, upon Darius Caldwell, member from Ashtabula County, upon the floor of the House while in session, and Slough was expelled.

The republican majority in the Assembly was very aggressive, and did not hesitate to take vigorous action against the slave interests. It was greatly opposed to the extension of slavery and it passed a joint resolution favoring the repeal of the fugitive slave law. In the adjourned session it adopted resolutions bitterly denouncing the Dred Scott decision by Chief Justice Taney, of the United States Supreme Court, holding, in effect, that slavery was lawful in any state under the federal constitution. It was resolved by the Assembly that

"The doctrine announced by the chief justice in behalf of a majority of the court, that the federal constitution regards slaves as mere property and protects the claims of masters to the slaves to the same extent and in the same manner as the right of owners in property, within



SALMON P. CHASE

Governor January 14, 1856—January 9, 1860. Born January 13, 1808; died May 7, 1873. United States Senator; Secretary of the Treasury; chief justice United States Supreme Court.

the limits of free states, during temporary visits or for purposes of transit, to the practical consequences of which doctrine no free state can submit with honor."

Another resolution instructed Ohio's senators and representatives in Congress to secure modifications of the laws that would secure to free states their just representation in the Supreme Court. This referred to the fact that the court consisted of five judges from the slave states and only four from the free states, notwithstanding the great preponderance of the free states in population.

The committee reporting these resolutions to the Assembly prefaced them by vigorous comments on the court's Dred Scott case decision:

"We learn that in our own state of Ohio, instead of being in fact a free, is in effect a slave state. The mighty sin against God and the giant wrong against man contemplated by that decision, must not and shall not be consummated in Ohio.

"It attempts to force upon us an institution hated, loathed and execrated by the whole civilized world, and by no portion of the earth with a deeper and more abiding detestation and abhorrence than by the people of our state."

The Ohio members of Congress were asked, in a resolution of the General Assembly, to exert themselves to secure pensions for soldiers of the War of 1812, and to further the progress of the building of the Pacific Railroad.

Measures were also taken to establish an institution for the care and education of the feeble minded, to penalize the killing of song birds, and to provide the painting for the rotunda in the state house of Perry's Victory on Lake Erie, which has been the admiration of visitors there for three generations since.

The year 1856 was filled with political excitement. The new-born republican party, flushed in Ohio with victory in the elections of the year before, entered the contest for choice of a president to succeed Franklin Pierce with high spirits and supreme confidence. The democrats were equally aggressive, and were not less determined to win. The papers of both parties reflected the opposing passions of the times.

Pursuant to a call issued at Washington, D. C., January 15, 1856, and addressed "to the Republicans of the United States," a mass convention was held in Pittsburgh, Pennsylvania, convening "at eleven o'clock on Friday morning, February 22, 1856." This was a mass convention and was largely attended. The following statement in regard to the representation of Ohio in this convention is copied from the "History of the Republican Party in Ohio" by Joseph P. Smith:

"Aside from Pennsylvania, the largest attendance was from Ohio, with New York second. From Ohio there came Joshua Reed Giddings, then in Congress, and in the fullness of his fame; Francis D. Kimball, Attorney General; William H. Gibson, Treasurer of State; Jacob Brinkerhoff, Supreme Judge; William Dennison, Jr., a future Governor; Joseph Medill, subsequently famous as the editor of the Chicago Tribune; George H. Frey, editor of the Springfield Republic; and Rufus P. Spalding, James M. Ashley, Charles Reemelin, James Elliott, Daniel R. Tilden, John A. Foote, Hiram E. Peck, James M. Brown, Jacob Heaton, Roeliff Brinkerhoff, Eugene Pardee, Richard D. Harrison, Cyrus Spink, Oliver White, Henry Everts, Henry Howard, Thomas Bolton, Daniel McFarland, Oliver Harmon, L. H. Hall, Richard Steadman, Dudley Baldwin, Seth Day, Henry Carter, Frederick Wadsworth, Sidney Edgerton, Dudley Seward, D. C. Coon, I. M. Benson, A. J. Page, I. H. Wilkinson, Robert Rogers, W. B. Fish, John L. Wharton, Lafayette G. Van Slyke, Alfred P. Stone, and many other prominent and active anti-slavery men of the State."

This convention favored the holding of a Republican National Convention to nominate candidates for president and vice president at

Philadelphia, June 17, 1856. The basis for representation in this convention was fixed at six delegates at large for each state and three for each congressional district. A brief address to the people was adopted opposing the extension of slavery to the territories, pledging support by every lawful means to the free state people of Kansas and declaring opposition to the policy of the national administration on the question of slavery extension.

On May 22, 1856, Preston S. Brooks, congressman from South Carolina, struck down Charles Sumner, of Massachusetts, at his desk in the United States Senate. Instantly the North was afire with indignation. The Republican State Convention in Columbus, on May 29, adopted a resolution thanking Senator Benjamin F. Wade for his denunciation of the "brutal assault," and took similar action praising Congressman Lewis D. Campbell, of Butler County, for introducing resolutions in the House demanding the most rigid investigation into the circumstances attending the attack. The convention also expressed its condemnation of the democratic national administration and of the aggression of the slave power in Kansas and Nebraska.

This convention named "senatorial delegates," or delegates at large, as they are now called, to the Republican National Convention at Philadelphia. The Ohio delegation to that convention was as follows: Senatorial Delegates—Thomas Spooner, of Hamilton; Rufus P. Spalding, of Cuyahoga; William Dennison, Jr., and Alfred P. Stone, of Franklin; John Paul, of Defiance; Ephraim R. Eckley, of Carroll. District Delegates—John K. Green, Alphonso Taft, Charles E. Cist, Medard Fels, Thomas G. Mitchell and George Hoadly, of Hamilton; Josiah Scott, of Butler; Lewis B. Gunckel, of Montgomery; Felix Marsh, of Preble; John W. Defrees and Barton S. Kyle, of Miami; Edward B. Taylor, alternate for Joel Tyler, of Darke; James M. Ashley, of Lucas; William Sheffield, of Defiance; A. Sankey Latty, of Paulding; Joseph Parrish, of Clermont; Chambers Baird, of Brown; William Ellison, of Adams; Aaron Harlan, of Greene; Robert G. Corwin, of Warren; Charles Phellis, of Madison; George H. Fry, of Clark; Lyman J. Critchfield, of Delaware; Levi Phelps, of Union; John Carey, of Wyandot; Conduce H. Gatch, of Hardin; Charles T. Smeed, of Ottawa; Rodney M. Stimson, of Lawrence; Milton Kennedy, of Scioto; George J. Payne, of Gallia; Addison T. Miller, of Ross; John T. Brazee, of Fairfield; Thomas R. Stanley, of Vinton; David Murch, of Perry; Valentine B. Horton, of Meigs; Robert Neil and Noah H. Swayne, of Franklin; Jerome Buckingham, of Licking; Joseph C. Thompson, of Pickaway; Joseph M. Root, of Erie; John R. Osborne, of Huron; J. M. Talmadge, alternate for John J. Gurley, of Morrow; Francis B. Kimball, of Medina; Peter Risser, of Ashland; Hiram E. Peck, of Lorain; D. W. Stanton, of Coshocton; John C. Devin and William R. Sapp, of Knox; H. B. Brown, of Holmes; Austin A. Guthrie, of Muskingum; Israel Greene, of Morgan; George M. Woodbridge, of Washington; Charles J. Albright, of Guernsey; Miller Pennington, of Belmont; William Ellis, of Monroe; Cyrus Prentiss, of Portage; Christopher P. Wolcott, of Summit; John Saxton, of Stark; Thomas Bolton, of Cuyahoga; John F. Morse, of Lake; Job S. Wright, of Geauga; Joshua R. Giddings, of Ashtabula; John Hutchins, of Trumbull; William J. Young, alternate for Jesse Baldwin, Mahoning; David Heaton, of Columbiana; Daniel McCurdy, of Jefferson; Richard Hatton, of Harrison.

The national convention nominated Col. John C. Fremont, of South Carolina, for president, and William L. Dayton, of New Jersey, for vice president.

The democrats of Ohio held their convention at Columbus, named delegates for the national convention, and adopted a platform upholding the administration of President Pierce and all the acts of the democratic

Congress. Their national convention, at Cincinnati, which began June 2, named James Buchanan, of Pennsylvania, for president on the sixteenth ballot, over Franklin Pierce, Stephen A. Douglass and Lewis Cass. John C. Breckenridge, of Kentucky, was their candidate for vice president.

The contest was the most bitter since 1840. The newspapers were filled with accounts of meetings at which addresses were delivered by many eminent public men, not only in Ohio, but of other states as well. An incident which was regarded of importance was the announcement that John Brough, formerly prominent as a democratic state office holder, would support the republican ticket. He thus paved his way for becoming a republican governor of Ohio eight years later.

The result of the election in Ohio was another republican victory: Fremont, 187,497; Buchanan, 170,874; Fillmore, 28,126. Ex-President Fillmore, who had affiliated with the American party, was its regularly nominated candidate for president.

Buchanan's election did not daunt the republicans, who regarded that they had done well in their first attempt to gain national control. The slave states had been greatly disturbed over the possibility of success of the "Black Republicans," and there was evidence that they were much relieved when the result of the election became known. Their editors had threatened that, if Fremont were elected, it would result in a dissolution of the Union. The Ohio papers made much use of an editorial copied from the issue of November 10 of the Enquirer of Richmond, Virginia:

"All danger of a dissolution of the union is over. Slavery will hereafter be, as it always should have been, the strongest bond and cement of the union. Slavery makes North and South mutually dependent; makes the one a market for the products of the other. In its absence, trade intercourse and commerce between the two sections would cease, because the pursuits and commerce would be the same.

"The extension of slavery would cheapen the comforts and necessities of life, and advance the well being of all classes at the north. * * * We write this article thus early after the election (which, of itself, is another striking evidence of the growing popularity of negro slavery) to show that negro slavery and the union must stand or fall together, and that in talking of disunion in the event of Fremont's election we were but pointing out its inevitable consequence and administering salutary warning."

A public improvement, which received large notice, was a new bridge over the Ohio River at Cincinnati. It had long been regarded as a great need. On October 2, 1856, the Cincinnati Commercial contained this item: "The work of breaking ground for the bridge over the Ohio river between Covington and Cincinnati was commenced in good earnest yesterday. A gang of about one hundred men were employed at the landing on this side removing the dirt in order to receive the foundations for the towers." This bridge, which was to carry railroad trains, ordinary vehicles, and pedestrians, was of very great importance to "The Queen City of the West."

On October 24, 1856, the Columbus Gazette described the progress made on the new state house, and announced that it would be ready for the session of the General Assembly to commence the following January, although the building would not be entirely finished until the following year. On the evening of January 6, 1857, the edifice was opened formally in a "Great State House Festival." The crowd attending was so great, and the only door (on the west front) then available was so small that an alarming congestion arose. Ladies were crushed in the space between the great columns and the west wall of the building, and many fainted. Their beautiful dresses ("hoops 8½ feet in circumference") were almost ruined. The formal reception occurred in

the hall of the House of Representatives, where speeches were made by Governor Chase, Hon. Alfred Kelley, and others. There was gas illumination, gay decorations, four bands of music in various parts of the building, and everything well suited to dancing, which continued until daylight.

Within a few months the old state buildings remaining since the fire of 1852, and the United States courthouse, were removed. They had been so far reduced in public estimation that they were called "Rat Row." The grounds were laid out, trees planted, and a contract let to surround the ten-acre square with an iron fence at a total cost of $35,127.38.

Thereafter followed a great deal in the papers about suspicion of corruption in the construction of the capitol and the 400-page report of an investigation of the subject by a committee of the Legislature.

In June, 1857, the people of Ohio were surprised to learn that William Bebb, who had been governor of the state in 1847-48, but who was then living at Sewald, Illinois, had shot and killed a man and wounded another. He was described by the Rockford Republican of May 11, which paper furnished the information used by the Ohio editors, as a man of large wealth, which fact aroused the jealousy of his neighbors. His son returned home from the East with a bride, and the rough people of the neighborhood indulged in the practice of "belling" them. They made a great noise, and ex-Governor Bebb warned them to depart, which they refused to do. He then took a shot gun, crippled one leader for life by shooting his legs, and instantly killed another. "Upon this the rowdies decamped."

The sensation of the year 1857 was the great defalcation of the funds in the state treasury. Treasurer William H. Gibson, elected the year before, had succeeded John G. Breslin in that office. In June it was discovered that the large amount of interest due on the state debt in July could not be met, although the treasury statements showed an ample balance of cash on hand. It developed upon investigation that when the change of administrations had occurred Breslin had not turned over to Gibson the amount of money supposed to be in his possession, and that Gibson, who was Breslin's brother-in-law, had not revealed that important fact at the time.

He now disclosed the condition of the funds, and stated that Breslin had agreed to make good the deficit, but had not done so. Governor Chase demanded Gibson's resignation, appointed John P. Stone, a Columbus merchant, in his stead, and asked William Dennison, Jr., and W. S. V. Prentiss, together with State Auditor Wright, to inquire into the true state of affairs. They reported that there had been a defalcation of $775,711. Gibson placed the entire responsibility upon Breslin, but assigned all his own property (said to be of value of more than $200,000) to the state. The grand jury of Franklin County indicted Breslin, who fled to Canada. He located at Hamilton, Ontario, refused to return, and could not legally be brought back.

This incident was the cause of an immense amount of violent political dispute in the newspapers of the rival parties. The republican papers charged that all the previous administration, including Governor Medill, had been aware of Breslin's criminal misappropriation of the state funds at the time it occurred. They held Gibson blameless of having had any financial benefit from the great steal, but they did not shield him from censure for concealing knowledge of Breslin's peculations until circumstances compelled him to disclose them.

Breslin disappeared from public view, but Gibson, who afterward rose to the rank of brigadier-general in the Civil war, was a very prominent figure in republican state politics for many years thereafter. He was one of the noted orators of his time and served as adjutant-general of Ohio under the administration of Charles Foster.

Fifty-Third General Assembly

Regular Session, January 4 to April 12, 1858; Adjourned Session, January 2 to April 6, 1859

Lieutenant Governor Martin Walker was ex-officio president of the Senate. William R. Woods was chosen speaker of the House.

The canvass of the votes at the election of 1857 showed the following result:

Governor—Salmon P. Chase, 160,568; Henry B. Payne, 159,065; P. Van Trump, 10,272. Total, 329,905.

Lieutenant Governor—Martin Walker, 162,922; William H. Lytle, 158,717; N. P. Nash, 10,452.

Secretary of State—Addison P. Russell, 161,837; Jacob Reinhard, 159,421; C. C. Allen, 10,680.

Treasurer of State—Alfred P. Stone, 160,618; James R. Morris, 158,942; Jonathan Harshman, 10,680.

William H. Lytle, the defeated candidate for lieutenant governor, is noted as a poet, chiefly because of his authorship of those well known verses the first line of which is "I am dying, Egypt, dying." He became a general in the Civil war and was killed at the battle of Chickamauga, September 20, 1863.

At this session of the General Assembly the question of female suffrage made its first appearance in the state, memorials being received by both houses asking that provision be made permitting women to vote, but it was not seriously considered and no action was taken upon it.

Among the appointments made was that of William Dennison, Jr., to be a trustee of the new institution for the care of feeble minded youth. This was the first position of an official character which Dennison held, although he was a very conspicuous citizen and had been a presidential elector in 1852. Subsequently he was governor of Ohio (1860-61), and in 1864 postmaster general in President Lincoln's cabinet. He was a railroad and bank president of great prominence.

Another name which in after years became noted throughout the United States appeared in the journals of this Fifty-third General Assembly. William Henry Smith, then a young man of twenty-five years, representing the Cincinnati Commercial as legislative correspondent, is shown by the records to have been expelled from the privileges of the floors of the houses because of some comments he had made upon the debates. During the war Smith took an active part in the raising of troops, was largely instrumental in bringing John Brough to the front for governor, and was his private secretary after election to the office—the first of a long line of newspaper men to hold that position. Later Mr. Smith was collector of the port of Chicago, appointed by President Hayes in 1877. His greatest title to distinction, however, was in the field of news organization. In 1883 he effected a consolidation of the New York Press and the Western Associated Press, and served as manager of the great consolidated association continuously until his death in 1896. He edited "The St. Clair Papers" and was author of "A Political History of the United States," and he made many important contributions to American history through his researches among original documents in the British Museum.

Early in 1858, the people seemed to have come to a new realization of the importance of the position of Ohio in the sisterhood of states. Many historical reviews of the state were published, and articles indicative of the pride of the people in their commonwealth. According to published estimates there were in the state 2,368,000 inhabitants, of whom 1,335,000 had been born in Ohio, 640,000 in other states, and 393,000 in foreign countries. This was somewhat of an overstatement as to the total population, as proved by the federal census two years later. One appreciation of Ohio which was spread by the editors before

their readers was copied from the New York Post of April 7, 1858, from which the following extracts are copied here:

"It is seventy-one years today since the emigrant party from Massachusetts landed in Marietta, Ohio. This was the first permanent settlement of white inhabitants in that territory. Among those who went to the infant colony were General Lewis Cass, Ex-Governor Woodbridge of Michigan, and Dr. Hildreth, who yet lives and enjoys a hale and vigorous old age. What a change in seventy-one years! Ohio has now 2,500,000 people, industrious, enterprising, intelligent. She has $85,000,000 of taxable property, $3,500,000 in school houses, and an annual school tax for the education of all her children of $2,500,000; and more miles of canals and railroads than any state in the Union. How wonderful has been her growth and her progress in all elements of material, moral, and intellectual wealth!"

On August 16, 1858, Ohioans, in common with the people of the entire nation and those in foreign lands, were thrilled at the news that messages had been transmitted from Europe to America through the Atlantic cable. When the vessel bearing the cord of union neared the shore and the enterprise was assured of success, the good news was flashed over the numerous lines of the Telegraph that span our land until the whole nation was made acquainted with the glad event. No other item of news ever found so wide a circulation in so short a time or was received with such universal pleasure. The editorials were ecstatic over the great achievement. Even with the reduced time of passage by the Atlantic steamships, old world intelligence had been two weeks old or more. News of important events of the Crimean war, which had been occupying large space in the Ohio papers prior to the peace of 1856, was several weeks old when published. All this would now be changed with the flashes coming over the cable resting on the bottom of the Atlantic Ocean.

Both the democratic and republican parties held their state conventions in Columbus, and nominated candidates for offices which were to be filled that year. The democrats, on August 29, named Thomas W. Bartley, of Richland County, for supreme judge; Durbin Ward, of Warren, for attorney general; Samuel W. Gilson, of Mahoning, for comptroller. The republicans nominated William V. Peck, of Scioto County, for judge of the Supreme Court; C. P. Wolcott, of Summit, for attorney general; William B. Thrall, of Franklin, for comptroller.

The principal issue in this campaign was the same as that of the last one—extension of slavery and the attitude of the national administration toward it. The republicans were all elected by increased majorities, ranging over 20,000. They also made gains in the state's representation in Congress, fifteen seats to six held by the democrats. The twenty-one congressmen were: John A. Gurley, James M. Ashley, Thomas Corwin, Benjamin Stanton, John Carey, Charles A. Trimble, John Sherman, Cyrus Spink, William Helmick, C. B. Thompson, Thomas C. Theaker, Sidney Edgerton, Edward Wade, John Hutchins, John A. Bingham, George H. Pendleton, C. L. Vallandigham, William Allen, William Howard, Charles D. Martin and S. S. Cox.

Of these, Corwin, Sherman, Bingham, Pendleton, Vallandigham, Allen and Cox were all among the prominent men in the history of the state.

In the year 1859 the canals, forty years old, had begun to be a burden to the state. The railroads were superseding them and they were growing less and less useful. The people living along their course still reaped considerable benefit from them, but that large majority who did not share in these benefits were fretful because a considerable amount of the tax money they paid was used to maintain them. Many editors favored their relinquishment as a state controlled enterprise, by either sale or lease. The General Assembly passed a bill to lease them to the highest bidder for a period of five years.

The affair at Harper's Ferry, Virginia, on October 16, 1859, in which John Brown and his followers sought to arm and liberate the slaves, was, of course, a topic of extraordinary interest to the people of Ohio. For several days the exact nature and motive of Brown's endeavors were not understood, and there were many rumors, later to be found false:

"Riot at Harper's Ferry

"The telegraph dispatches are wild in an account of a riot at Harper's Ferry. One dispatch says the abolitionists and negroes are in a state of insurrection, to the amount of two hundred and fifty whites and a great number of negroes. The next account says the affair is greatly exaggerated—the negroes have nothing to do with it. Another dispatch says Government has ordered out the troops to quell the insurrection. Government is always ready to fight the negroes. The mayors of Washington and Alexandria have put their respective cities under guard, ready to meet any emergency. There is, doubtless, a great disturbance, but that it is as serious as represented we do not believe. The difficulty had its origin in a government contractor at the armory, who absconded leaving some three hundred hands unpaid. These hands are determined to have redress and are playing the fool at the expense of the government, and in violence to the peace of good citizens.

"Later.—The news is not definite as to the cause of the trouble. Captain Brown, of Kansas notoriety, turns up as the leader of the gang. Some five hundred persons are implicated in the insurrection. The troops have been shooting them down without mercy. The leaders have all been killed or arrested, and the disturbance has doubtless been quelled before this time. A number of abolitionists are said to be at the bottom of the trouble, having for their object the freedom of the slaves of Maryland and Virginia."[1]

The immediate reaction in the press of Ohio was an eruption of editorial controversy of a virulent character. A typical example is found in the Gazette (democratic) and the Chronicle (republican), both published at St. Claireville, in Belmont County. "The Black Republicans," said the Gazette on October 24, "are busy in behalf of their leaders, denying any complicity in the matter; but it won't do. The eastern papers come to us filled with documents found at Old Brown's in which a great number of them have already been implicated, viz: Chase, Giddings, Seward, Hale, Lawrence, Forbes, Sanburn, Greeley, Howe, Sumner, Fletcher and others."

To this the Chronicle responded: "This is an inexcusable lie, an unscrupulous falsehood without the least shadow of fact to sustain it." After a defense of the republican leaders mentioned by the Gazette, the Chronicle's long editorial closed thus: "If the editor of the Gazette has any desire to find where the responsibility for this insurrection rests we have only to refer him to that Party who repealed the Missouri Compromise, who reveled in the blood of Kansas Freemen and thereby drove Brown to mad desperation. You have his revenge."

As the weeks went by, the people eagerly read the details as they developed—the unsuccessful attempt to secure Brown's release on a writ of *habeas corpus,* the large accumulation of soldiers and of ammunition at Harper's Ferry to quell other disturbances which were anticipated; the panic caused by a large fire, at first supposed to be caused at Charlestown by the abolitionists, but which proved to be only the burning of a haystack; a startling report that 250 abolitionists from Ohio had secreted themselves in the woods near by, and the arrival of Governor Wise with fresh troops to expel them—only to find that there was not a single man there; the trial, conviction and execution of John

[1]Belmont Chronicle, October 20, 1859.

Brown and several of his followers in the enterprise which failed. Then followed a description of Brown's funeral at North Elba, New York, at which the great Wendell Phillips delivered an address.

Full details were published of an exchange of letters between Governors Wise and Chase. The governor of Virginia had heard that an armed body of Ohioans was forming "for the purpose of invading Virginia;" and he asked Governor Chase to stop it. The governor of Ohio replied that he had heard nothing of this, but that should it appear that such an unlawful combination was being formed it would be his duty to break it up, "and that duty, it need not be doubted, will be promptly performed."

John Brown was executed December 2, 1859. "Under a heading, "Old Brown is Dead," the Belmont Chronicle of December 8 published an editorial which was truly prophetic as to the future estimate in which he would be held:

"While his specific act is punishable with death, yet the old man had a motive worthy of Washington. While the means he used were of the most reprehensible character, not to be justified by common sense, patriotism, nor by philanthropy, yet we venture the prediction that future generations will forget his crime in admiration of his bravery and his honesty of purpose. * * * He dies the victim of slavery, and while the majesty of the law demands his death, and the lovers of law everywhere yield obedience, yet, for the old man there wells up a strong sympathy in the hearts of millions, even of his enemies, and when the sober sense of after reflection takes the place of the present wild excitement and prejudice, this sympathy will even grow stronger, for future generations will spread the mantle of charity over his faults and laud his virtues."

Within two years thereafter millions of men and women were singing

"John Brown's body lies mouldering in the grave,
But his soul goes marching on."

ADMINISTRATION OF GOVERNOR WILLIAM DENNISON

Fifty-fourth General Assembly

Regular Session, January 2 to March 26, 1860; Adjourned Session, January 7 to May 13, 1861

During the sessions of this General Assembly Robert C. Kirk was the lieutenant governor and presided over the deliberations of the Senate. Richard C. Parsons, representative from Cuyahoga County, was speaker of the House. The president pro tem of the Senate was Richard A. Harrison, then of London but afterwards a noted lawyer of Columbus. On July 4, 1861, he succeeded Thomas Corwin in Congress, Corwin having resigned to become minister of the United States to Mexico.

After the usual legislative canvass of votes cast at the election in October the results were declared as follows:

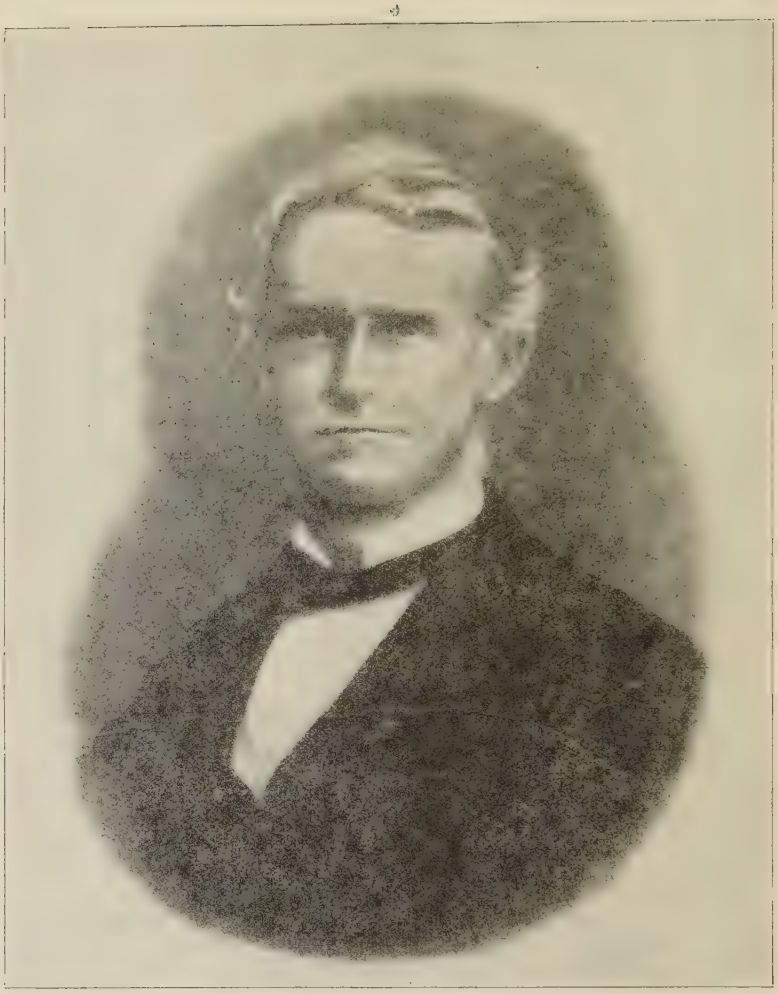
Governor—William Dennison, Jr., 184,557; Rufus P. Ranney, 171,-226. Total, 355,783.

Lieutenant Governor—Robert C. Kirk, 185,351; William H. Safford, 170,588.

Secretary of State—Addison P. Russell, 184,839; Jacob Reinhard, 170,400.

Auditor of State—Robert W. Taylor, 184,567; G. Volney Dorsey, 170,587.

Treasurer of State—Alfred P. Stone, 184,567; William Bushnell, 170,413.



WILLIAM DENNISON

Governor January 9, 1860—January 13, 1862. Born November 23, 1815; died June 15, 1882. State senator; postmaster-general.

The Board of Equalization reported to the Assembly that the tax value of all real estate during the year 1859 had been $639,894,311.

On February 2, 1860, Salmon P. Chase, who a month previous finished his second term as governor, was elected United States Senator by the Legislature, but his service in that office was brief; he resigned March 4, 1861, to become secretary of the treasury in President Lincoln's cabinet. John Sherman succeeded him as senator. Sherman had now become one of the recognized great men of the state, although he was at that time but thirty-seven years old. His first political recognition had been election as delegate to the Whig National Convention at Philadelphia in 1848, in which assemblage he served as secretary. He had also been a delegate to the Baltimore Convention in 1852. He represented the Cleveland district in Congress from 1855 to 1861. He served in the United States Senate continuously from 1861 to 1877, when he resigned to become secretary of the treasury under President Hayes. At the expiration of his term in that position, in 1881, he was again elected to the Senate, and remained a member of the body for sixteen years, becoming President McKinley's secretary of state in 1897. He died in 1900.

A new member of the State Senate at this session was James A. Garfield, then twenty-nine years old. He had held no political position prior to that time, but had been a professor in Hiram College and later its president. He served but a single term in the Ohio Senate, but was in 1862 elected to represent his district in Congress, where he remained through eighteen years successively, until he became president in 1881, after being chosen United States Senator, but before his term in the upper house of Congress was to begin. Prior to the expiration of his term in the State Senate he enlisted in the war and became a major-general, which office he resigned to take his seat in the lower house of Congress.

Final provision was made at the present session of the Assembly for the completion of the new state house. Appropriations were made for tiling the floor of the rotunda, for installing the entire system of gas piping, and for finishing the terraces of the building. It was required that all work should be finished by October 1, 1860. The final act was the sale of the locomotive which had been used for conveying stone over the streets of Columbus from the quarries to the site of the building.

In January, 1860, the legislatures of Kentucky and Tennessee visited Cincinnati, and by resolution on the 25th of that month the Ohio Assembly appointed a committee to go to Cincinnati, invite them to come to Columbus, and escort them to the capital. This was an unusual event, especially at a time when the relations between North and South were so severely strained, but the newspaper correspondents reported that the visit, on January 26, was highly agreeable to both sides. Governor Chase made a speech which the southerners heartily applauded, and as they mingled with the Ohio law makers "the idea was very sensibly working in their minds that the old adage, as applied to Black Republicanism, was very true—'the devil is not so black as he is painted,'" according to a correspondent of the Belmont Chronicle.

The penitentiary was now again found to be too small to accommodate the rapidly increasing number of convicts, and provision was made by the Legislature for another large addition, at a cost of $40,000. The committee to whom consideration of this subject was given recommended the erection of an entirely new prison, to be located at Sandusky, but its recommendation was not adopted.

Street cars had come into use at Cincinnati this year, and more were contemplated. The Assembly enacted a law with reference to them, the chief provision of which was that use of streets by cars should be prohibited except with consent of owners of a majority of abutting property.

The federal census of 1860 showed Ohio's population to be 2,339,-511, an increase of 359,182 since 1850. The state continued to rank third in the Union—surpassed only by New York (with 3,880,735), and Pennsylvania (with 2,906,215). Illinois had more than doubled its population during the decade, and now ranked fourth, with 1,711,951. Cincinnati, with a population of 161,044, was third in the country in point of manufacturing industries in operation. Cleveland was the second city in the state, with 43,417 inhabitants; Dayton third, with 20,081; and Columbus fourth, with 18,554. Toledo had a population of 13,768. There were in the state 2,992 miles of railroad, constructed at a cost of $111,896,351.

Interest in all ordinary subjects was overshadowed in 1860 by the tense political situation and the approaching presidential election. The first candidates in the field were named early in May by the National Union Party Convention at Baltimore—John Bell, of Tennessee, for president, and the famous scholar, Edward Everett, of Massachusetts, for vice president. The republicans of Ohio, in state convention at Columbus on March 1, elected four delegates at large to the convention to be held at Chicago on May 16, as follows: David K. Cartter, of Cuyahoga; Conrad Brodbeck, of Montgomery; Thomas Spooner, of Hamilton; Valentine D. Horton, of Meigs. District Delegates—Benjamin Eggleston, Frederick Hassaurek, Richard Corwine and Joseph H. Barrett, of Hamilton; William Beckett, of Butler; Peter P. Lowe, of Montgomery; George D. Burgess, of Miami; John F. Cummins, of Shelby; David Taylor, of Defiance; Elijah Graham, of Wood; John M. Barrere, of Highland; Reader W. Clarke, of Clermont; Thomas Corwin, of Warren; Abraham Hiveling, of Greens; Levi Geiger, of Champaign; William H. West, of Logan; Earl Bill, of Erie; Daniel W. Swigart, of Crawford; John V. Robinson, of Scioto; Milton L. Clark, of Ross; Nelson H. VanVorhes, of Athens; Alexander C. Sands, of Vinton; Williard Warner, of Licking; Jonathan Renick, of Pickaway; John J. Gurley, of Morrow; Philip L. Schuyler, of Huron; Norton S. Townshend, alternate for James Monroe, of Lorain; George U. Harn, of Wayne; Columbus Delano, of Knox; Robert K. Ennis, of Holmes; Daniel Applegate, of Muskingum; Caleb A. Williams, of Morgan; Charles J. Albright, of Guernsey; William Wallace, of Belmont; Horace Y. Beebe, of Portage; Isaac Steese, of Stark; Robert T. Paine, of Cuyahoga; Reuben Hitchcock, of Lake; Joshua R. Giddings, of Ashtabula; Milton Sutliff, of Trumbull; Samuel Stokely, of Jefferson; David Arter, of Carroll.

The state convention resolved "That while the Republicans of Ohio will give their united support to the nominee of the Chicago Convention, they would indicate as their first choice and recommend to said Convention the name of Salmon P. Chase." But notwithstanding this resolution the Ohio delegation to the convention played a most important part in bringing about the nomination of Abraham Lincoln. There were some of those delegates who were not favorable to Chase as the nominee. Shortly after Lincoln's name was presented by an Illinois delegate, and after David K. Cartter, chairman of the Ohio delegation, had named Chase, Thomas Corwin nominated Judge John McLean, of Cincinnati. Then Columbus Delano electrified the adherents of Lincoln by saying to the convention, "I rise on behalf of a portion of the delegation from Ohio to put in nomination the man who can split rails and maul democrats—Abraham Lincoln."[1]

On the first ballot the vote of Ohio was: For Chase, 34; for Lincoln, 8; for McLean, 4. On the second ballot Chase received 29 votes, Lincoln 14 and McLean 3 of the Ohio votes. The third ballot saw a

[1]These are the words as they appear in the official report of the convention; but in the news dispatches they were somewhat different: "On the part of a large number of the people of Ohio, I desire to second the nomination of the man who can split rails and maul democrats."

large break to Lincoln, who received 29 votes from Ohio, while Chase had only 15 and McLean 2. Hundreds of men present were privately totaling the votes as they were announced during the call of the states, and after the last had responded they knew that Lincoln had received 231½ votes—within 1½ of the 233 which were necessary to a choice. It was at that instant that Chairman Cartter clinched Lincoln's nomination. Before the result of the ballot could be officially declared he mounted a chair, secured attention, and shouted: "I arise, Mr. Chairman, to announce the change of four votes from Chase to Abraham Lincoln." This started a stampede from other state delegations, who changed their votes in large blocks, and when all were recorded it was officially declared that Abraham Lincoln had received 364 votes—130 more than a majority of the convention—and was the nominee. William M. Evarts, of New York, which state had consistently cast its seventy votes for William H. Seward throughout the balloting, moved to make Lincoln's nomination unanimous, which was done.

The telegraphic news accounts describing the scene in the convention following Ohio's action in nominating Lincoln were quite equal to those which have come out of national conventions many times since. "The delegates tore up the sticks and boards bearing the names of the several states, and waved them aloft over the heads of the vast multitude." There were twenty or thirty thousand people crowded outside the convention hall, who were instantly informed of the occurrence by people on the roof. Everybody went wild, and cannon which had been secured for use in the event of Lincoln's nomination began thundering to express the joy of the people of Illinois. Murat Halstead, of the Cincinnati Commercial, wrote: "There was a moment's silence. The nerves of the thousands, which through the hours of suspense had been subjected to terrible tension, relaxed, and as deep breaths of relief were taken there was a noise in the Wigwam like the rush of a great wind in the van of the storm—and in another breath the storm was there. There were thousands cheering with the energy of insanity."

On June 14 the republicans held their state convention to nominate candidates for state offices, and named Frederick Hassaurek, of Hamilton County, and Joseph Root, of Erie, as electors at large. The electors of the different congressional districts were: Benjamin Eggleston, William M. Dickson, Frank McWhinney, John Riley Knox, Dresden W. H. Howard, John M. Kellum, Nelson Rush, Abraham Thomson, John F. Hinkle, Hezekiah S. Bundy, Daniel B. Stewart, Richard P. L. Baber, John Beatty, Willard Slocum, Joseph Ankeny, Edward Ball, John A. Davenport, William K. Upham, Samuel B. Philbrick, George W. Brooks and Norman K. Mackenzie.

The democrats held their national convention at Baltimore, nominated Stephen A. Douglas, of Illinois, for president, and Benjamin Fitzpatrick, of Alabama, for vice president. There was a division in the party, and the other faction presented John C. Breckenridge, of Kentucky, for president, and Gen. Joseph Lane, of Oregon, for vice president. Gerritt Smith was nominated by the abolitionist party, and thus there were five tickets to divide the votes. In Ohio only two received any considerable attention—Lincoln and Douglas.

The campaign was a bitter one. Little doubt was entertained that if Lincoln should be elected the southern states would secede from the Union, and all issues other than the domination of the slave powers were forgotten. Ohio's official count of the vote was: Abraham Lincoln, 221,809; Stephen A. Douglas (independent democrat), 187,421; John Bell (constitution union), 12,193; John C. Breckenridge (democrat), 11,303; Gerritt Smith (abolitionist), 136. Total, 432,862.

At the adjourned session of the General Assembly, which began January 7, 1861, it was necessary to face squarely the question of secession of the southern states. South Carolina had already declared the bonds of the Union severed and herself independent, and other

southern states were about to take the same action. On January 12 the Ohio General Assembly adopted a series of resolutions declaring their belief "that the preservation of the unity of the government is essential to the support of tranquillity at home, peace abroad, the safety, the prosperity, and the very liberty of the people." They declared that the people of Ohio were ardently attached to the Constitution of the United States, and that the general government could not permit the secession of any state.

After the bombardment of Fort Sumpter the Assembly, by an act of April 18, authorized a loan of $1,000,000 for the purpose of carrying into effect war measures to be adopted. Of this amount $500,000 was to be paid for the support of the general government, $450,000 for arms and equipment for volunteers from Ohio, and $50,000 for the use of the governor as an extraordinary contingent fund.

Necessary acts were passed for mustering companies, regiments and brigades, and camps were established at various points in the state to receive, equip, drill and organize the volunteer soldiers. So vigorous was the state government in carrying out the requirements of the Government for putting down the rebellion that within a few weeks after President Lincoln's call for volunteers, a large number of Ohio's regiments were organized and ready to move. And by the end of the year Secretary of War Simon Cameron, in his first detailed report of the strength of the army, gave the number of volunteers from Ohio at 91,469, of whom 10,266 were under enlistment for three months and 81,203 for the period of the war. New York had enlisted 110,388, and Pennsylvania, 113,959. No other state compared with Ohio in the number of volunteers in service. These three states had provided 44 per cent of all the volunteers in the Union Army.

The situation was such, in the anxiety of the year, that it was proposed to sink all political differences and form a union of all parties in the state for the purpose of electing a union ticket without opposition. This proposal, made by the republican state committee, was declined by the damocratic committee, who called a convention at Columbus for August 8, and named a full state ticket, headed by Hugh J. Jewett, of Zanesville, for governor. Under a public call signed by 164 men representative of all parties, and including many prominent democrats, a union convention was held September 5, with Thomas Ewing as chairman. David Tod, who had been the democratic candidate for governor in 1844 and 1846, but who had been untiring in furthering the Union cause since the beginning of the war, was nominated for the chief office. The result of the election was a victory of the union ticket by more than 55,000 majority.

ADMINISTRATION OF GOVERNOR DAVID TOD

Fifty-fifth General Assembly

Regular Session, January 6 to May 1, 1862; Adjourned Session, January 6 to April 4, 1863

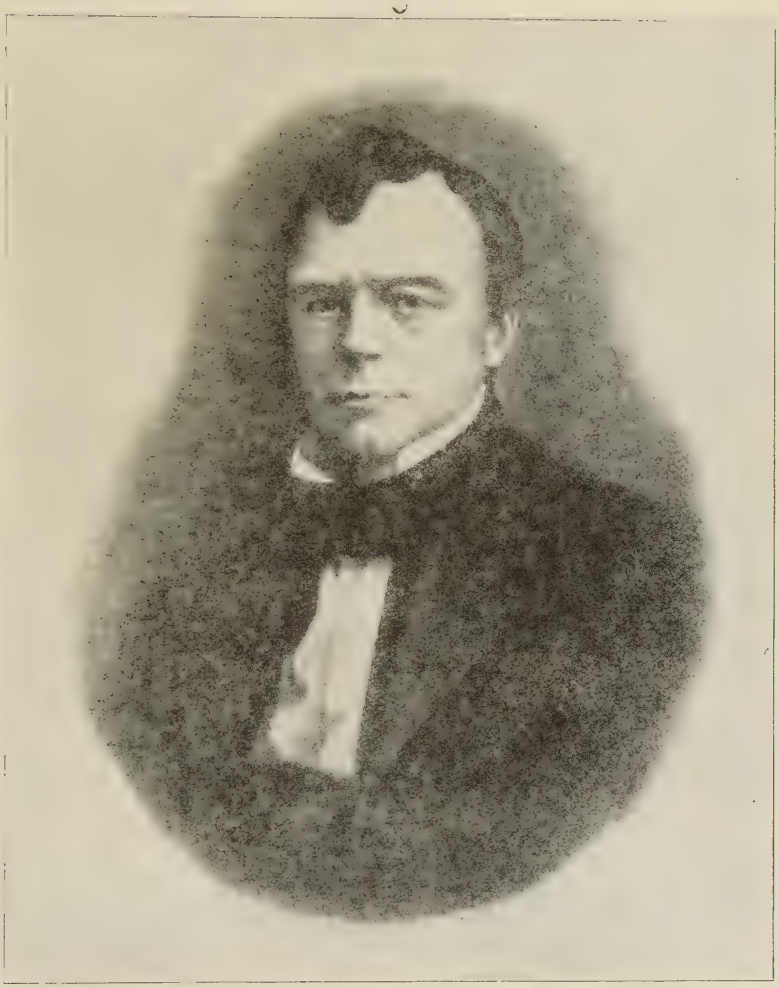
The lieutenant governor who presided over the Senate during this Assembly was Benjamin Stanton, and the speaker of the House was James R. Hubbell, of Delaware County.

The canvass of the official vote at the recent state election by the Assembly showed:

Governor—David Tod, 206,997 votes; Hugh J. Jewett, 151,774; scattering, 109. Total, 358,880.

Lieutenant Governor—Benjamin Stanton, 206,995; John G. Marshall, 151,978; scattering, 341.

Secretary of State—Benjamin R. Cowan, 207,352; William W. Armstrong, 151,912; scattering, 181. (Secretary Cowan resigned



David Tod

Governor January 13, 1862—January 11, 1864. Born February 21, 1805; died November 24, 1868. Member state senate; minister to Brazil.

before the close of the year, and at the election of 1862 Armstrong was elected with 181,315 votes, over Wilson S. Kennon, who received 178,755.)

Treasurer of State—G. Volney Dorsey, 207,437; George W. Holmes, 151,548; scattering, 187.

No general laws of consequence were enacted, as the successful prosecution of the war was almost the only subject which occupied the minds of the assemblymen and the people. All acts necessary to this end were promptly passed, and all reflected the intense patriotic spirit of the people's representatives, although the unionists, who were in a large majority in both houses, were harassed by a persistent democratic minority. The debates were acrimonious in the extreme, and bitter feelings between the two parties were always in evidence. Every demand of the general government was fulfilled with enthusiasm; provision was made to pay bounties for enlistments in the war; and liberal assistance was given the dependent of Ohio's soldiers in the field. Arrangements were made by which soldiers could vote in their camps, and, when it became necessary, laws were passed to secure by draft all soldiers required of Ohio.

Governor Dennison's last message to the Legislature reviewed the splendid record the State of Ohio had made so far in the war. He also took occasion to refer to the extraordinary material advancement during the previous twenty years, citing as an example that the number of blast furnaces for the production of iron had grown to fifty-nine, with an annual output of 108,500 tons of iron, of a value of $3,171,000. This was five-fold greater than it had been in 1840. The mining of coal had increased from 3,513,400 bushels in 1840 to more than 50,000,000 bushels in 1860.

It was announced in January, 1862, that Secretary of War Simon Cameron had been appointed minister to Russia, and that Edwin M. Stanton, of Steubenville, Ohio, had been appointed to the war portfolio. He assumed his duties January 20, and his name is among the famous statesmen of that period.

The inaugural of Governor David Tod occurred on January 13, and was attended with unusual demonstrations. Such crowds came from all parts of the state as to tax the capacity of the streets of Columbus to hold them. There was a great military parade of regiments quartered at Camp Chase, while awaiting orders to march to war. Instead of the usual quiet function in the hall of the House of Representatives, the ceremony of taking the oath of office and delivering the inaugural address took place in the rotunda of the state house, with every part of the building filled with great throngs of people.

On January 27 another high honor came to Ohio. Justice John McLean, of the United States Supreme Court, had died at his home in Cincinnati, and on the 27th of January, 1862, the papers carried the news from Washington that Noah H. Swayne, of Columbus, had been appointed by President Lincoln to fill the vacancy thus created.

The determination of the amount of provision to be made for the maintenance of the dependent families of soldiers was difficult. The bill in the House of Representatives provided for a levy of one-half mill on the dollar on all property in the state, but the Senate amended it to make it three-quarters of a mill. They finally compromised on three-fifths of a mill, which yielded approximately $660,000 for the year. This was almost doubled the following year.

As in the year 1861, everything in 1862 except the war sank into insignificance in the public mind. The fall of Fort Henry on February 6, and especially the taking of Fort Donelson on the 16th of the same month, saw the signal for unbounded rejoicing. In Columbus there was a great meeting in the state house on the 17th, at which joyous speeches were made by Governor Tod, Thomas Ewing, Lieutenant Governor Stanton, Columbus Delano, Senators Monroe and Fink, Judge Groes-

back, Col. Robert McCook, and Congressman Samuel Galloway. For two days and nights the streets were filled with happy people. There were bonfires, fireworks, illuminations, booming cannon and ringing bells. Similar scenes were common throughout the state. The name of Brig.-Gen. Ulysses S. Grant, the hero of these great achievements, now first became known. Little had been heard of him before, and when it was found that he was "an Ohio boy," there were expressions of the greatest pride in him by the people, as one of their own.

On May 26 Governor Tod issued a proclamation concerning the war situation in Virginia. "I have the astounding intelligence," he said, "that the seat of our beloved national government is threatened by an invasion, and am called upon by the secretary of war for troops to overwhelm the ruthless invaders. * * * Rally, then, men of Ohio, and respond to this call as becomes those who appreciate our glorious government. * * * Everything is valueless to us if our government is overthrown. Lay aside, then, your ordinary duties, and help bear aloft the glorious flag unfurled by our fathers." Volunteers were instructed to report for duty at Camp Chase for service of either three months or three years, or for duty within the limits of the state.

This call was not satisfactorily answered, and on July 3 another proclamation to the same effect was issued. It was now borne in upon the people that the need of immediate action was urgent. At once there was great activity. Information came that the Columbus City Council had appropriated $25,000 to aid in recruiting, that Mansfield had provided $10,000 for the same purpose, and that other cities had taken similar action. On July 14 the Columbus correspondent of the Cincinnati Gazette wrote: "Letters received today by Governor Tod exhibit an earnestness and determination on the part of our leading men not equalled since the fall of Sumter. In some districts the excitement is intense. Governor Dennison, Hugh J. Jewett and Colonel Harris will take the stump immediately for recruiting. Every well soldier in the city and all who can be spared from the camps have received orders to march."

On July 8 Adjt.-Gen. Charles H. Hill issued orders dividing the state into eleven military districts, with headquarters at Camps Dennison, Portsmouth, Marietta, Dayton, Chase, Zanesville, Steubenville, Lima, Toledo, Mansfield and Cleveland. Recruits were instructed to report at these camps. War meetings were held everywhere, and many leading speakers traveled through the state urging enlistments.

But, with all this effort, there remained a grave doubt as to results. On August 4 Governor Tod issued a public statement expressing the hope that volunteers would come in sufficient numbers, but that if they did not, draft would be resorted to by the general government. On August 14 it was officially announced that volunteering for new regiments would cease, and that on September 1 the draft would be put into effect. The total quota demanded of Ohio was 74,000 fresh recruits.

In the middle of July, 1862, there was great excitement in Cincinnati over reports of the Confederate Gen. John H. Morgan's raid into Kentucky. A mass meeting of the citizens was held in the Fifth Street Market Place on Sunday, the 13th, at which many thousand people were present. Dispatches were received from Louisville, Frankfort and Lexington stating that the guerilla chieftain was threatening all those cities and had declared that he would give Cincinnati a call also. Parts of the Eighty-fifth and Eighty-eighth regiments were sent from Camp Chase at Columbus, a part of the Fortieth was sent from Camp Dennison—these and such other forces as could be gathered were forwarded to Lexington to meet Morgan's men. But his visit to Ohio was deferred until a year later.

The people of the state were kept at a high tension by the events of 1863. The fall of Vicksburg on July 4, and the great victory on the

same day on the field of Gettysburg, brought relief from the gloom produced by a series of Union defeats, and throughout the state celebrations over these events were unprecedented.

The raid of Gen. John Morgan through Southern Ohio the same summer created consternation and alarm, and his capture and incarceration in the Ohio penitentiary were cause of heartfelt congratulations among the people.

Meanwhile, political warfare throughout the two years of Governor Tod's administration was acute. The name "Republican" all but disappeared from the references to the parties. There were only the "Union Party" and the party called "Copperhead" by the unionists. Although the preponderance of union sentiment was overwhelming, the opposition was active and the feeling against it very bitter. Clement L. Vallandigham, ex-congressman from Dayton, was regarded as a traitor for his attitude against the war, and after a long series of exciting events, including his arrest, trial and conviction by a military court, he was sent through the lines into the Confederacy. Later he took up his abode in Canada, and while there was nominated by the Ohio democrats for governor of the state. The union party named John Brough, who some years before had been a very active democratic state office holder, and an energetic campaign was entered upon. It resulted in Brough's election by more than 100,000 majority.

ADMINISTRATION OF GOVERNOR JOHN BROUGH

Fifty-sixth General Assembly

Regular Session, January 4 to March 31, 1864; Adjourned Session, January 3 to April 13, 1865

Charles Anderson presided over the deliberations of the Senate by virtue of his office as lieutenant governor, and James R. Hubbell, of Delaware County, was reelected speaker of the House of Representatives.

The Assembly's official canvass of the vote for state offices showed the following totals:

Governor—John Brough, 288,826; Clement L. Vallandigham, 187,-728. Total, 476,554.

Lieutenant Governor—Charles Anderson, 288,492; George E. Pugh, 190,523.

Auditor of State—James B. Goodman, 287,926; William Hubbard, 191,102.

Treasurer of State—G. V. Dorsey, 287,988; H. S. Knapp, 191,102.

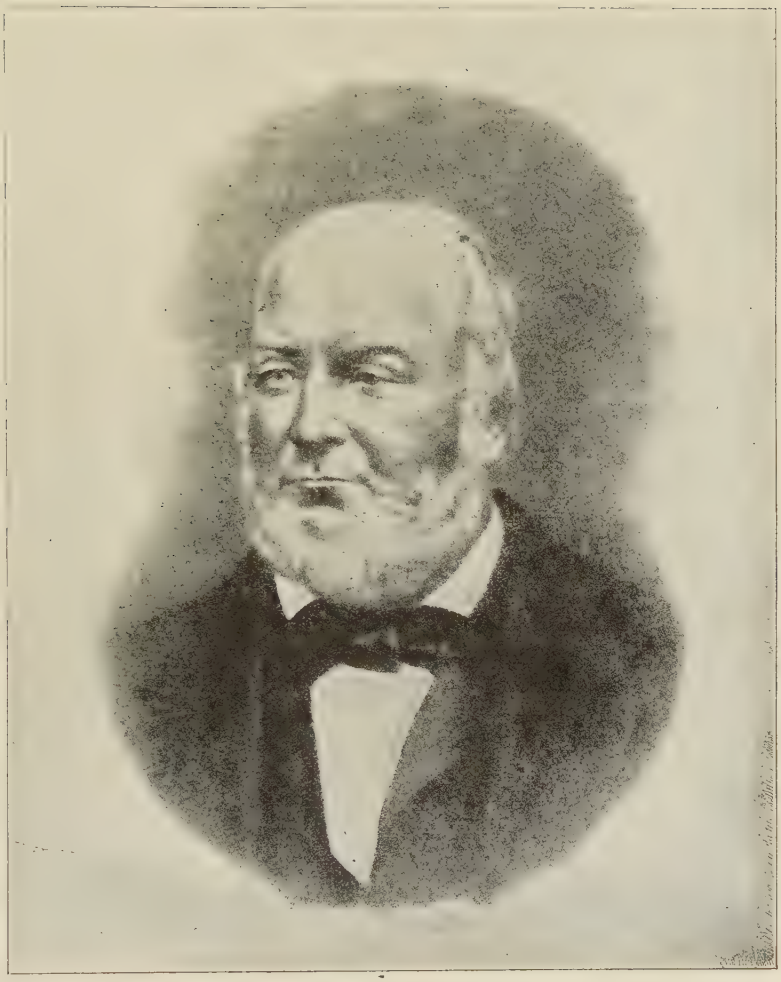
At the adjourned session the canvass of the official vote at the election of October, 1864, showed:

Secretary of State—William Henry Smith, 238,145; William W. Armstrong, 183,842.

Attorney General—William P. Richardson, 238,104; Lyman Critchfield, 183,747.

At the first session W. E. Davis was elected clerk of the Senate. He did not appear at the adjourned session because, as officially announced, he was a prisoner of war in the South. The Senate adopted a resolution granting him indefinite leave of absence, with full pay and allowances, and assigned Assistant Clerk S. B. Walker to perform his duties. Clerk Davis was not able to return to his duties before the close of the session.

As before since the war had begun, the Assembly devoted its attention almost exclusively to measures referring to the great conflict. Only two acts of consequence were taken on other subjects. One of these required railroad companies to erect fences on both sides of their rights of way, as a necessary precaution against accidents. The other made



JOHN BROUGH

Governor January 11, 1864—August 29, 1865. Born September 17, 1811; died August 29, 1865. Member legislature; state auditor.

a decided increase in the salaries of state officers. Thereafter the governor was to receive $4,000 per year, the judges of the Supreme Court, $3,000 each; the lieutenant governor, $800; the secretary of state, $2,000; the auditor and treasurer, $3,000 each, and the attorney general a total (fees and salary) of $2,000. Pay of members of the General Assembly was raised to $5 per day during their sessions.

Governor Brough was inaugurated with great military pomp, and for the first time the ceremonies occurred outdoors—on the east front of the capitol—it having been demonstrated two years before that no indoor location could provide space for the multitudes who wished to be present.

Something of the loss and hardships of the people of an invaded territory, as well as the cost of repelling invasion, was made known in a message of the governor received by the Assembly on January 27, in which he submitted an itemized account of the expenses incident to Gen. John Morgan's raid of the previous summer. It had cost the state government $292,586.27 to capture his forces, and claims of people who had been damaged amounted to a total of $696,755.48—of which, they said, the damage inflicted by the rebels was $527,705.40, and that caused by the federal soldiers $169,050.08.

On February 6 Governor Brough issued a proclamation concerning President Lincoln's call for 200,000 more troops, and B. R. Cowan, who was now adjutant-general of the state, issued orders for the recruiting of thirty more companies to be raised in Ohio under the new call. In due course Cowan stated officially that Ohio's quota had been filled.

The progress of the common schools had not been retarded by the war, as was shown by the report of the state school commissioner. There were now 14,661 schools, attended by 725,095 pupils. The cost of maintaining the school system in 1864 had been $2,409,613.

Notwithstanding the country had now been at war more than three years, the newspapers and the people in 1864 were as much interested in the operations of the armies as they had been at any previous time. The movements of those troops which included Ohio's soldiers were naturally of chief importance to Ohioans, but every battle, and especially every decisive victory of the Union armies, was the subject of enormous interest. The march of General Sherman's army through Georgia held the closest attention of the people, as did the operations of Grant about Richmond. Before the end of the year it was evident to all that the cause of secession was to be lost. Grant's statement that the Confederacy had become "a mere hollow shell" was greeted with satisfaction, and it became, in the minds of the public, only a question of how long it would require to crush the shell. The war-weary people never lost faith and they were proud of the important work that their own men had done.

The presidential campaign of 1864 was an exciting one. As early as January it began to be discussed by editors and people. No doubt was entertained that Lincoln would be renominated. The unionists of the state held their convention in Columbus on May 25, adopted strong resolutions, nominated a state ticket and presidential electors at large to the Baltimore convention. These electors at large, or "senatorial delegates," as they were then called (because, like the United States senators, they represented, in the convention, the entire state as the "district delegates" represented the congressional districts), were all, at the time, prominent in the citizenship of the state as well as in the councils of their party.

The Ohio delegation to the Republican National Convention at Baltimore was as follows: Senatorial Delegates—William Dennison, of Franklin; David Tod, of Mahoning; Columbus Delano, of Knox; G. Volney Dorsey, of Miami. District Delegates—Aaron F. Perry, Moritz A. Jacobi, Samuel F. Carey and Maxwell P. Gaddis, of Hamilton; Lurton Dunham, of Preble; George R. Sage, of Warren;

William A. Weston, of Darke; Edward P. Fyffe, of Champaign; Isaac D. Clark, of Van Wert; Cornelius Parmenter, of Allen; William R. Smith, of Highland; Chambers Baird, of Brown; Albert B. Buttles, of Franklin; Elias F. Drake, of Greene; Philander B. Cole, of Union; Henry C. Hedges, of Richland; Leonard G. Harkness, of Huron; Lucien Q. Rawson, of Sandusky; George Williams, of Wood; Dresam W. H. Howard, of Fulton; George A. Waller, of Scioto; William Ellison, of Adams; Andrew Kilgore, of Pike; John A. Hunter, of Fairfield; Joseph C. Devin, of Knox; Ezra E. Evans, of Muskingum; Harrison G. Blake, of Medina; Smith Orr, of Wayne; Joseph Kessinger, of Athens; Edward Archibold, of Monroe; Charles Hare, of Noble; Isaac Morton, of Guernsey; Lewis W. Potter, of Columbiana; Robert Sherrard, of Jefferson; William H. Upson, of Summit; David R. Tilden, of Cuyahoga; Frederick Kinsman, of Trumbull; Moses C. Canfield, of Geauga.

The convention was held in Baltimore on June 7 and 8. William Dennison of Ohio was its permanent chairman. Abraham Lincoln was nominated by acclamation, and Andrew Johnson, of Tennessee, was made the vice presidential candidate.

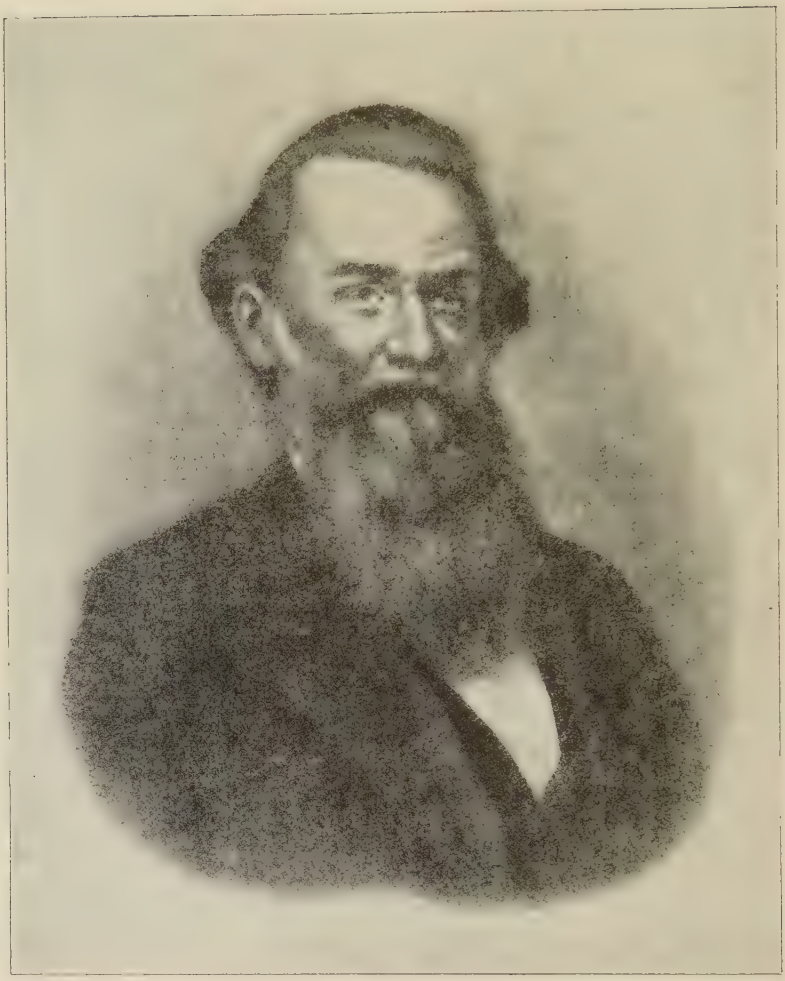
The Democratic National Convention assembled at Chicago, August 29, 1864. The Ohio delegation to this convention was as follows: Senatorial Delegates—William Allen, Allen G. Thurman, George H. Pendleton and Rufus P. Ranney. District Delegates—George Fries, George W. Martin, C. J. W. Smith and Alexander Long, of Hamilton; Clement L. Vallandigham, of Montgomery; Christopher Hughes, of Butler; John L. Winner, of Darke; David Loudenback, of Champaign; George M. Baxter, of Allen; Charles W. Cowan, of Auglaize; Chilton A. White, of Brown; James M. Trimble, of Highland; Samuel Medary and Samuel S. Cox, of Franklin; John Y. Glessner, of Richland; Paton Hurd, of Marion; Charles Powers, of Sandusky; A. M. Jackson, of Crawford; E. S. Platt, of Lucas; Edwin Phelps, of Defiance; David C. Vance, of Adams; William Newman, of Scioto; Edward B. Eshelman, of Ross; Edson B. Olds, of Pickaway; George W. Morgan, of Knox; Charles Follett, of Licking; Thomas J. Kenney, of Ashland; James A. Estill, of Monroe; Martin D. Follett, of Washington; David W. Stambaugh, of Tuscarawas; James W. Collins, of Belmont; John Archibald McGregor, of Stark; Jonathan A. Wallace, of Columbiana; Jabez W. Fitch, of Cuyahoga; Van Buren Humphrey, of Summit; Samuel W. Gilson, of Mahoning; Michael Stuart, of Portage.

Samuel Medary was unable to attend the national convention because of ill health and his place was filled by George Spence, of Clarke.

The democrats nominated George B. McClellan for president and George H. Pendleton for vice president. The campaign in Ohio was, of course, upon the issue of the war and the upholding of Lincoln's administration. It was known that the President was himself anxious that the result in Ohio should be as decisive as possible. Many great meetings were held, addressed by Secretary Chase and other powerful leaders. Ohio's response to the President's wish was:

Lincoln—Home vote, 224,008; soldier vote, 41,646. Total, 265,654.
McClellan—Home vote, 195,811; soldier vote, 9,788. Total, 205,599.
Lincoln's majority, 60,055.

The unionists also elected seventeen of the nineteen members of the Thirty-ninth Congress. This Ohio delegation in Congress was remarkable in that it comprised a galaxy of eminent men seldom seen in a group from one state. Two of them afterwards became presidents of the United States, and many others hold high places in the annals of the state. They were: Benjamin Eggleston, of Cincinnati; Rutherford B. Hayes, of Cincinnati; Robert C. Shenck, of Dayton; William Lawrence, of Bellefontaine; Francis C. LeBlond, of Celina; Reader W. Clarke, of Batavia; Samuel Shellabarger, of Springfield; James R. Hubbell, of Delaware; Ralph P. Buckland, of Fremont; James M.



CHARLES ANDERSON

Governor August 29, 1865—January 8, 1866. Born June 1, 1814; died September 2, 1895. State senator; lieutenant-governor.

Ashley, of Toledo; Hezekiah S. Bundy, of Reeds Mill; William E. Finck, of Somerset; Columbus Delano, of Mount Vernon; Martin Welker, of Wooster; Tobias A. Plants, of Pomeroy; John A. Bingham, of Cadiz; Ephraim R. Eckley, of Carrollton; Rufus P. Spalding, of Cleveland, and James A. Garfield, of Hiram.

Governor Brough's message to the General Assembly which met in adjourned session January 3, 1865, gave startling figures on the finances of the state. The total receipts of 1864 (including the former balance) were $8,679,966.82; total disbursements, $6,679,006.15. Balance in the treasury, $2,000,960.47. The total debt of the state had risen to the great sum of $13,500,751.47.

On February 4, official information having been received that the federal constitutional amendment abolishing slavery had been adopted, the Assembly passed a joint resolution congratulating the governor of Ohio upon that fact, and announcing that they would call upon him in a body to express their sentiments upon the subject.

Richmond fell April 3. Lee surrendered to Grant on April 9, and Sherman was pressing General Johnson, with the certain expectation that he would surrender very shortly. These great events brought overflowing happiness to the people of Ohio, as it did to all the loyal states, and the popular demonstrations surpassed all those that had gone before. On April 8 Governor Brough issued his proclamation recommending that April 14, the fourth anniversary of the fall of Fort Sumter, be generally observed by the people of the state "as a day of thanksgiving and of general rejoicing, that religious assemblies and observances mark the day, and that the evening be given to bonfires, illuminations and the thundering of artillery, public assemblages and speeches, and such other manifestations as may be suggested to appropriately mark the heroic deeds of our armies and the general joy of our people at the early restoration of the Constitution and good government."

While the rejoicing was at its height on that appointed night of April 14, Abraham Lincoln was assassinated. In those places where this awful intelligence was received by telegraph that same night, the people were plunged from the height of joyous festivities to the profoundest depths of grief.

Then followed pages of details of the tragedy, the pursuit and death of the assassin, John Wilkes Booth, stenographic reports of the trial of the conspirators, and at last their execution on July 7.

The transfer of the dead president's remains from Washington to his home at Springfield, Illinois, was the occasion of deeply impressive obsequies at Cleveland and Columbus. On April 27 Governor Brough and his official staff received the train bearing the body at Wickliffe in Lake County, and accompanied it to Cleveland. After a solemn procession the casket was there placed in a building specially constructed for its reception, on the east side of the park. From early morning until ten o'clock at night of Friday, April 28, more than 100,000 persons visited the remains, which were plainly visible to those who passed. At 9:30 o'clock of the next morning, after another imposing procession in Columbus, they were placed at the center of the rotunda of the state house, and there, before four o'clock in the afternoon, they were viewed by at least 50,000. The casket was then removed to the funeral train, which proceeded on its way west.

Residents of Ohio were greatly shocked by the catastrophe of the destruction of the steamer Sultana in the Mississippi River near Memphis, Tennessee, on April 27, 1865, by the explosion of a boiler. More than 500 Ohio soldiers were among the 2,300 on board, exchanged prisoners of war on their way home. The total loss of life was 1,101, of whom a large proportion were Ohio men.

On June 21 the republican convention met at Columbus to nominate candidates for state offices. Maj.-Gen. J. D. Cox, of Trumbull County, was named for governor, and A. G. McBurney, of Wayne, for lieu-

tenant governor. On August 24 the democrats convened, were presided over by Clement L. Vallandigham, nominated for governor general George W. Morgan, of Knox County, and for lieutenant governor, William Lang, of Seneca. The short campaign attracted comparatively little attention, as the rancor of the previous years had been somewhat allayed, and it was a foregone conclusion anyway that Cox would be elected.

On April 29 Secretary of State William Henry Smith made an official announcement that Governor John Brough had died that day at his home in Cleveland. Adjutant-General Cowan, in official orders, required that all officers of the National Guard should wear the badge of mourning for thirty days, and that all armories and colors of the Guard should be be appropriately draped in black.

This was followed in December by the news of the death of ex-Governor Thomas Corwin in Washington on the 18th of that month.

ADMINISTRATION OF GOVERNOR J. D. COX

Fifty-seventh General Assembly

Regular Session, January 1 to April 16, 1866; Adjourned Session, January 2 to April 17, 1867

The lieutenant governor, president ex-officio of the Senate, was Andrew W. McBurney. Edwin A. Parrot, of Montgomery County, was speaker of the House of Representatives.

The result of the state election of 1865 was officially declared as follows:

Governor—Jacob D. Cox, 223,642; George W. Morgan, 193,797; scattering, 360. Total, 417,799.

Lieutenant Governor—A. G. McBurney, 224,943; William Lang, 193,150; M. U. McGinnis, 325.

Treasurer of State—Sidney S. Warner, 225,657; George Spence, 193,072; J. H. McGuffey, 313.

Attorney General—William H. West, 225,268; David M. Wilson, 193,469; Robert Hutcheson, 314.

John Sherman was reelected to the United States Senate over Allen G. Thurman, the democratic candidate.

At the adjourned session, 1867, canvass was made of official returns on the election of 1866. For secretary of state, William Henry Smith received 256,302 votes, and Benjamin Lefevre, 213,606. Smith's majority, 42,696.

For judge of the Supreme Court, Josiah Scott received 256,263, and Thomas M. Key, 213,612. Scott's majority, 42,651.

For member of the Board of Public Works, John M. Barrere received 256,281, and William Larwill, 213,633. Barrere's majority, 42,548.

These two sessions of the General Assembly were devoted largely to war claims made upon the state. They appeared in very large numbers and required close scrutiny before being allowed or rejected. A good deal of time was taken in considering amendments to the Federal Constitution submitted by Congress. These came as a result of the war, the one of chief interest conferring the voting franchise upon the negroes. There was the usual party animosity, and great friction developed, but the amendments submitted were all ratified. State laws were amended and codified, the duties of all civil officers were more clearly defined, the school laws were revised with the purpose of adding to the efficiency of the system.

War seems always to be followed by what in modern times has been designated as "crime waves," and the civil war was no exception. The year 1866 was a season of very many heinous crimes in Ohio. Almost

JACOB D. COX

Governor January 8, 1866—January 13, 1868. Born October 27, 1828; died August 4, 1900. State senator; major-general in Union army; Secretary of Interior; congressman.

all issues of the newspapers recounted the commission of murders and robberies of far greater proportions than ever before in the history of the state. Prominent among these was the entering into the Second National Bank of Cadiz, on the night of April 28, and the stealing of $350,000 in United States Government bonds and currency. The robbers first visited the house of Milton Brown, the cashier, and compelled him to give them the keys to the bank. After looting the vault they locked the watchman in it and escaped on a hand car. They were captured near LaGrange after a battle in which one of them was badly wounded. Within three weeks they were in the penitentiary under long sentences.

In March, 1866, a celebration was held at Marietta commemorative of the establishment of the first white settlement in Ohio. There was at that time one survivor of those who had landed at Marietta in 1788, more than seventy-five years before. A letter from him—Dr. Lincoln Goodale, of Columbus—was read on the occasion, he not being able to attend in person. It stated that he had been a member of the first party, being then six years old. His father had been taken prisoner by Indians at Belpre in 1794, and died while among them. The letter closed: "I believe there is no human being in Ohio who has lived within the limits of the state as long as I have." In 1866 Doctor Goodale had for sixty years been a resident of Franklinton and Columbus, and had taken a most active and important part in the development of the Capital City.

On the night of March 22, 1866, the most destructive fire in the history of the state up to that time occurred at Cincinnati. Pike's Opera House, the building of the Cincinnati Enquirer, and the Adams Express Company's office were entirely consumed, a fact greatly deplored by all the people of the state. The large audience in the theater which had witnessed "the gorgeous spectacle, 'A Midsummer Night's Dream,' " had been dismissed shortly before, and there were no personal injuries, but the destruction of property entailed a loss of more than $2,000,000.

A noteworthy occurrence of this year, 1866, was the establishment by law of county children's homes. Under the act all destitute children not insane, imbecile or affected by contagious diseases, are received into these homes. From them they are committed to families, and are inspected annually. These beneficent homes originated with Mrs. Catherine Fay Ewing, whose interest in the subject had been aroused while a teacher and missionary among the Choctaw Indians, and by knowledge then gained of wrongs practiced upon helpless little ones. She had established a small home for them near Marietta, supported by herself with great sacrifice, and from this small beginning developed the idea which eventually was taken up by the state upon her initiative with the General Assembly.

The much heralded communication with Europe by Atlantic cable, which in 1858 had so stimulated the imagination of Ohio people, had failed to work. But on July 28, 1866, it became known in the state that all obstacles had been overcome and that Cyrus Field had established a trans-atlantic cable on a practical basis. Thereafter Ohio papers, in common with those of the whole nation, carried foreign news only a few hours old. The first news dispatch over the cable was dated at London, August 3, 1866, and had reference to activities in the war between Austria and Prussia which was then in progress.

One of the news features of the year 1866 of popular interest in the history of Ohio was the development of the game of baseball. It had had a beginning in the East three or four years before, and was now taken up with the greatest enthusiasm in all parts of Ohio. It was on a strictly amateur basis, but regularly organized clubs representative of their home towns became very numerous, and great rivalry developed among them. Games were attended by thousands of people, with excited interest on both sides. Already the fundamentals of the

game had been established by rules. The number of players, the names of their positions, the number of innings, and many other features were precisely as they are today. But the system of scoring has been considerably changed. The word "errors" had not been invented. The record included not only "runs," "outs," "home runs," "strike outs," and "left on bases," but also "fly catches," "foul bound catches," "muffed balls," "out on bases," "run outs," "out on flies" and "out on fouls." The newspapers devoted much space to the sport, containing long accounts of games of importance. Scores were high—sometimes more than 100 runs were made on either side, and games often ran more than four hours. In 1869 the first professional baseball club in America was organized—the "Red Stocking Club of Cincinnati"—and in long tours it swept everything before it, not meeting a single defeat for almost two years.

The political campaign of 1866 was again a strenuous one, developing much bitterness. The war was too recent not to have left unhealed wounds, and the republicans were not sparing in opening them afresh in their attacks upon their democratic opponents. "Remember Andersonville! Remember Libby! Remember Belle Isle! Remember the skeletons of your starved sons and brothers! Remember the teachings of the democratic leaders brought on the war, with all its accumulated horrors—the murders of three hundred thousand of our young men, and a debt of three billions!"

These and many other startling lines appeared in large type in republican newspapers and in hand bills. It was not an election of local importance, only three state offices to be filled, the governor's office not among them. But members of Congress were elected and both sides strove hard—the republicans to hold the large preponderance of their representation on the delegation, and the democrats to make gains. In this they were successful to the extent of one vote. The state went republican by 42,696 majority.

But the campaign of 1867 was of far more moment to the state and of greater interest to the people. President Johnson had, during the year 1866, aroused animosity against himself among the republicans of the country by his policy with reference to reconstruction of the states lately in rebellion, and this feeling had grown greatly in 1867. The breach finally led to the impeachment trial of Johnson in 1868. The situation in 1867 was a critical one, and great importance was attached to the result of the Ohio election of that year.

The republicans met in convention at Columbus on June 14, and nominated Rutherford B. Hayes, of Hamilton County, for governor; Samuel Galloway, of Franklin, for lieutenant governor; John Welch, of Athens, for supreme judge; James H. Godman, of Marion, for state auditor; Sidney S. Warner, of Lorain, for state treasurer; and William H. West, of Logan, for attorney general. Galloway, who had been a strong candidate for the nomination for governor, declined to stand for election as lieutenant governor, and his place on the ticket was filled by the State Central Committee with the name of John C. Lee, of Lucas.

The democratic convention nominated Allen G. Thurman for governor, Daniel S. Uhl for lieutenant governor, John McElwee for state auditor, Cochran Fulton for state treasurer, Frank H. Hurd for attorney-general, and Thomas M. Key for supreme judge.

The speakers in the campaign included the ablest leaders on both sides. Senator John Sherman was prominent on the stump, and Gen. William H. Gibson was another conspicuous figure among the republicans. Thurman, Allen, and other democrats of first ability, were also very active. The editors of both sides exercised their powers of vituperation to the limit. The result of the election was greatly reduced republican majorities, and democratic majorities in both houses of the General Assembly—eighteen to seventeen in the Senate and fifty-six to

forty-nine in the House. This assured the election of a democrat as United States Senator.

George H. Pendleton and Ohio's Contribution to Civil Service Reform

Ohio is great in many ways. The achievements of her sons are not confined to the spectacular vocations of statesmanship and war. Piatt and Howells and other writers have given her a respectable place in the literature of the republic. The "Darling Nelly Gray" of our Hanby, the "Dixie" of our Emmett, and the "Softly and Tenderly Jesus Is Calling" of our Thompson have gone round the world and found an abiding place wherever the tender melodies of the heart are played or sung. Our Edison and our Brush have extended the domain of invention, applied new forms of energy in the field of productive industry and released the light electric that rivals the day and flashes from the uplifted torch of Liberty Enlightening the World. It was left for the Wright brothers to achieve the impossible, to first rise from the earth on wing, to ride the impalpable air, to thrill the world with the "audacity of their design and the miracle of its execution."

But these flowers do not bloom in the conservatories of our orators, and their choicest garlands are reserved for the warriors and politicians —the statesmen, perhaps, for Ohioans have risen to that eminence.

And what is a statesman? "One versed in public affairs and government," says Webster; "a successful politician," half ironically declares a writer; "a dead politician," observes another; while a well known platform orator offers this discriminating comparison: "A statesman is one who tries to see what he can do for this country; a politician is one who tries to see what his country can do for him."

It is not necessary to say that Ohio has had politicians and some statesmen; and perhaps in a few instances both have been united in the same character. From the days of Arthur St. Clair and Edward Tiffin, with one brief interval, party lines have been tautly drawn in the Buckeye State. Our thoughts have ever freely turned to the candidate for official preferment, to the orator on the hustings, to the partisan leader in the whirlwind of a political campaign. In piping times of peace, he is our hero.

It is but a few years since we were wont, in this state, with the wildest enthusiasm, to celebrate the transcendent prowess of such a one in a song with the familiar refrain:

"He's a great big man,
He's a politician."

In the popular opinion of the day it took a great big man to be a politician, and the successful politician was hailed as the great big man. Times have changed a little and that song has been relegated to cold storage. The great big men of today do not wish it to be understood that they are so because they are politicians.

In these times the intelligent and independent citizen asks the candidate for honors not, "What have you done for your party?" but "What have you done for the common-weal—for your country?" or "What do you propose to do for your country?" The party is the incident, the instrument, the necessary agent, perhaps; the achievement, the service is everything.

With our past ambition for political eminence and our enthusiasm for party names and party leaders, it is a little singular that we should forget an Ohio statesman, whose supreme achievement was unselfish and patriotic in its inception, national in its scope and beneficent in its results. It is a fact, nevertheless. His personality and gentlemanly qualities are still remembered by his contemporaries and remain as a tradition among their descendants, but as much cannot be said for his

constructive statesmanship. Nor is his work forgotten because it died with him. The cause for which he raised his voice and challenged all comers in the arena of debate lives today. Every year adds to its strength. Its virtues are proclaimed alike by progressives and conservatives. It stands as a protest against official incompetence, spoliation and corruption. Without it, government would have degenerated into a system of plunder and venality, and the foundations of our republic would have rotted away.

The champion of this cause was fortunate, as the world views it, in his birth and early environment. His paternal grandfather was a soldier of the Revolution, aide-de-camp to Gen. Nathaniel Green and later United States District Judge of Georgia, under appointment by Washington. The friend and partisan of Alexander Hamilton, he was second to that ill-starred statesman in the fatal duel at Weehawken. His father early came to the Queen City of the West, where he attained distinction and was elected to Congress in the famous campaign of 1840 as an adherent of William Henry Harrison. The son, in behalf of whose achievement in statesmanship this sketch is written, was born in Cincinnati in a home provided with all the comforts and luxuries of that day, in the memorable year of 1825, when Lafayette was touring the young republic and our forefathers were celebrating with bonfires and illuminations the semi-centennial jubilee of our national independence.

A pupil in the Woodward High School at the age of eight, and eight years afterward a graduate from the Cincinnati College, under the presidency of William H. McGuffey, he was later a special private student under some of the leading professors of the West. At the early age of nineteen years, he commenced a foreign tour for study and observation that took him to the principal cities of Europe, to the Holy Land and Egypt. He lingered in Germany at Heidelberg and became a student at its famous university. Returning in 1846, he was admitted to the bar two years later and entered upon the practice of the law.

At the age of twenty-two his associates, his studies and his travels represented an aggregate of educational opportunity and achievement rarely equalled, even in our own time.

In his early political ideals and espousals, however, he was not so fortunate. His father was a whig. The son became a democrat. It is not a misfortune under all circumstances to transfer party allegiance; but in the days before the Civil war, when Wendell Phillips was thundering at Faneuil Hall, when Abraham Lincoln was raising his voice in the arena of debate, when the great arm of the North was uplifted to smite the institution of human slavery, it was unfortunate for a young man of culture, courage and conscience to be arrayed on the other side.

The biographer of our subject commends the youth for his independence in breaking away from the political faith of his fathers, and in this expression we may heartily join, with the regret that he did not find a better field for the exhibition of his talent and his political ambition.

He first appears in the arena as a candidate from Hamilton County for our State Senate. He was elected by a large majority. Before the close of his term, he was nominated for Congress in the First Cincinnati District and defeated. He was renominated two years later and elected. When faction rent his party, he cast his fortunes with the Douglas democrats. When Lincoln was elected in 1860, this congressman was reelected and arrayed himself with the opposition. He continued to serve in the House until March 4, 1865. He was one of the conspicuous and active members of Congress through the stormy period of the war. Always gentlemanly, persuasive and conservative, he nevertheless opposed many of the measures of the Great Emancipator and cried peace, peace when there was no peace.

His eulogist has much to say of his devotion to the Union and his

willingness to vote money and men for its defense by force of arms, but is forced to admit that during the crisis "he differed widely with the administration as to its policy and management of the war." The fact is that through these years of stress and struggle he was usually an obstructionist and much of a thorn in the side of Abraham Lincoln.

To still further emphasize his attitude, in 1864, while a member of Congress, he ran for vice president on the ticket with McClellan against Lincoln and Johnson, on a platform with that unfortunate plank relating to the war for the preservation of the Union. And now you know who he was. His name was George H. Pendleton.[1]

Had his career ended here his public service might well have been forgotten. On the great moral and political issues growing out of the war he was wrong, sincerely and conscientiously so, but nevertheless wrong. Such is the verdict of history. And from that verdict there is no appeal. Like the judgments of the Lord, it is true and righteous altogether.

In 1886, Mr. Pendleton was defeated for Congress in his old district. Shortly afterward he advocated the payment of Government bonds in greenbacks, an idea that attained great popularity for a time. In Congress Mr. Pendleton had opposed the issue of greenbacks. The announcement of his new idea subjected him to the charge of inconsistency, against which he inveighed with more satisfaction to himself than to the electorate.

In 1869, he made a canvass of Ohio for governor on the "greenback idea" against Rutherford B. Hayes and was defeated. Much was expected of him in the state campaign of 1875, with the greenback idea as the paramount issue; but his part in that contest was disappointing to his party. He was evidently reluctant to go as far as William Allen and Samuel Cary in support of an inflated currency. Relegated to private life after years of service in the exploitation of unsuccessful policies and issues, he had, at this time, it must be admitted, slight claim to eminent statesmanship and enduring fame. That it is never too late for a man of his equipment to achieve both in a worthy cause, is proven by his triumphs of succeeding years.

In that unique autobiographic contribution to history and literature, entitled "The Education of Henry Adams," the author finds fault with the judgment of his time which applauded the pretentions of mediocrity and passed in silence the achievements of genuine merit as exemplified in the statesmanship of George H. Pendleton. We may rest assured that Henry Adams would not have recorded such an observation prior to 1878.

In the state campaign of 1877, occurred the debate between Pendleton and Garfield.[2] As this exemplifies the character of the two men, a few sentences are here quoted from a writer of the time:

"During that historic debate, which covered every question at issue between the two parties, and which was carried on in the midst of a most exciting canvass, not a word was used by either of these distinguished gladiators which could in any way reflect upon the personal character of the other. One could at times imagine he heard the sword and the battle-ax of the one striking upon the mailed helmet and cuirass of the other, but the argument was dignified and impersonal. These were great party men contending for their party, their cause and their principles; yet they were chivalrous."

This description calls to mind another historic debate, on this same high plane, between William McKinley and our distinguished and popular fellow citizen, Governor James E. Campbell.

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[1]For facts in regard to his early life and political career see "Life and Speeches of George H. Pendleton," by G. M. D. Bloss; also address of Hon. Isaac M. Jordan in memory of George H. Pendleton, Cincinnati, March 8, 1890.

[2]At Springfield, September 27, 1877.

In 1878 Pendleton was elected to the United States Senate, in dignity and prestige and power, the first legislative body in the world. It offered rare opportunity for his eminent talents, and on the ladder of that opportunity he rose to the heights of statesmanship. He interpreted the need of the hour—the demand of the future, and became for all time heir to the gratitude of the republic.

The spoils system had been the bane of our institutions. It threatened the very life of the republic. It multiplied offices and sinecures and the wild and indiscriminate rush for them. In our state and national capitals it fed the mad enthusiasm of inauguration day and flooded the streets with cavalcades of shouting patriots looking for jobs. It led and inspired all from ward worker to platform orator. In the midst of the carnival of political debauchery it assumed a sinister and monstrous form. Before it governors bowed, cabinet officers paid obeisance, the representatives of the people groveled, and dignified senators licked the dust.

A cloudless July morning. A flash out of the clear sky. The hiss of the assassin's bullet, and our Garfield was borne away mangled and bleeding to suffer lingeringly and to die. A group of students on an Ohio college campus were standing still at the news of the awful tragedy. The silence was broken by some one, who said, "The President was shot by Charles J. Guiteau"; but that was not true. A little later another said, "The President was shot by Charles J. Guiteau, a disappointed office-seeker"; and that was only half true. Who was it, what was it, that struck down Garfield and thrust him "from the full tide of this world's interests, from its hopes, its aspirations, its victories into the visible presence of death"?[3] It was the spoils system, that nerved the arm of the assassin, sent along it to the instrument of death the impulse of hate and plunged the land into silence and darkness and woe. "Strangulatus pro republica," said the stricken man as he tossed on his couch of pain. Yes, slaughtered for the republic, tortured, martyred—our costly sacrifice to the demon of greed and spoliation and factional hate and partisan plunder.

It sometimes takes a thunder-clap to arouse us to a sense of neglected duty. It took the earthquake shock of a World war to start us in the quest of a universal and enduring peace. In 1881 it took the life of a President to start political parties on the road to the redemption of platform pledges with regard to the civil service. Garfield did not die in vain. The conscience of our guilty nation was touched. A movement to mitigate the evils of the spoils system was inaugurated in the United States Senate under the leadership of George H. Pendleton. To his credit be it said, on this question he took up arms against the traditions of his own party and the demoralizing and debasing practices of both parties.

A brief review of the progress of civil service reform in the United States may not be out of place here. Such a survey is appropriate in view of the fact that famous Ohioans, officially prominent in the service of the Nation, had much to do with the inauguration and promotion of this policy.

From the organization of political parties in this country there has been a temptation to use the appointive power to reward faithful partisans. In the earlier years of the republic, rewards for partisan service were comparatively few and far between. They varied somewhat under different administrations. It was left for President Andrew Jackson to apply very generally the principle in politics that "to the victor belongs the spoils," although he did not originate that declaration so often attributed to him. Jackson was severely criticised for the inauguration of

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[3]Blaine, James G. Memorial address on life and public services of James A. Garfield, House of Representatives, February 27, 1882.

the spoils system on a grand scale. His successors, however, for the most part followed his example, and the tendency was then as it is today in other matters, when an act of the appointing power is criticised, to excuse it on the ground that it is not so bad as a similar exercise of the power by a predecessor.

The Civil war and the stirring events leading up to it crowded out of the public thought the reform of the civil service system and other matters of minor interest. At the close of the war the Nation was enormously in debt and retrenchment in expenditures was imperatively demanded in order that the payroll of the Government might be reduced and its obligations might be met.

In 1864 Charles Sumner, then United States Senator from Massachusetts, introduced a bill "to provide for the greater efficiency of the civil service." This bill authorized the appointment of a board of examiners, competitive examinations, promotion by seniority and removal for good cause only. The bill did not reach a vote.

On May 5, 1868, Thomas Allen Jencks, congressman from Rhode Island, presented in Congress an elaborate report which is generally considered as the "starting point of civil service reform in this country." The plan recommended and finally included in a bill introduced by Mr. Jencks, followed closely that authorized in the bill introduced by Sumner. It was ably discussed by Mr. Jencks, who was a man of wealth, culture and influence and highly respected by his associates. Somewhat to the surprise of Congress and those interested throughout the country it received very substantial support and came within seven votes of passing the House.

In the meantime able advocates of the reform of the civil service began to announce their attitude. Prominent among these were George William Curtis and Carl Schurz. In spite of this evidence of progress, however, the outlook for effective legislation was not encouraging.

Shortly after the failure of the Jencks bill, substantial aid to the movement came from an unexpected quarter. Gen. Ulysses S. Grant, shortly after his election to the Presidency, let it be known that he favored the reform. In subsequent years his early advocacy seems in large measure to have been forgotten by the public. His close association in the Presidency with such men as Conkling, Logan and other practical politicians has left the impression that like his friends and advisors he favored rotation in office. The centenary of the birth of General Grant was appropriately celebrated in his native state, Ohio, April 27-28, 1922. Able addresses reviewing his services to the country in war and peace were delivered by President Harding and Senators Willis and Pomerene, at his birthplace and other points in Southern Ohio where he spent his boyhood days. These addresses, however, contained no reference to the fact that he was the first of all the Presidents of the United States to recommend to Congress the enactment of laws for an effective reform of the civil service. In his second annual message to Congress, December 5, 1870, he made the following recommendation:

"Always favoring practical reform, I respectfully call your attention to one abuse of long standing which I would like to see remedied by this Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employes who do not require 'the advice and consent of the Senate' to make their appointments complete. I would have it govern, not the tenure, but the manner of making all appointments. There is no duty which so much embarrasses the Executive and heads of departments as that of appointments, nor is there any such arduous and thankless labor imposed on senators and representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men for public place. The elevation and purification

of the civil service of the Government will be hailed with approval by the whole people of the United States."[4]

Assuredly this is a frank statement that must have been gratifying to the friends of civil service reform. It is sincere in tone and was followed by subsequent declarations that indicated clearly President Grant's deep interest in this subject. One year later, in his third annual message to Congress, he followed up his initial recommendation with an encouraging statement of progress:

"In my message to Congress one year ago I urgently recommended a reform in the civil service of the country. In conformity with that recommendation Congress in the ninth section of 'An act making appropriations for sundry civil expenses of the Government and for other purposes,' approved March 3, 1871, gave the necessary authority to the Executive to inaugurate a civil service reform, and placed upon him the responsibility of doing so. Under the authority of said act I convened a board of gentlemen eminently qualified for the work, to devise rules and regulations to effect the needed reform. Their labors are not yet complete, but it is believed that they will succeed in devising a plan that can be adopted to the great relief of the Executive, the heads of departments and members of Congress, and which will redound to the true interest of the public service. At all events, the experiment shall have a fair trial."[5]

In his fourth annual message to Congress, December 2, 1872, he again reported progress and urged additional legislation:

"An earnest desire has been felt to correct abuses which have grown up in the civil service of the country through the defective method of making appointments to office. Heretofore federal offices have been regarded too much as the reward of political services. Under authority of Congress rules have been established to regulate the tenure of office and the mode of appointment. It can not be expected that any system of rules can be entirely effective and prove a perfect remedy for existing evils until they have been thoroughly tested by actual practice and amended according to the requirements of the service. During my term of office it shall be my earnest endeavor to so apply the rules as to secure the greatest possible reform in the civil service of the Government, but it will require the direct action of Congress to render the enforcement of the system binding upon my successors; and I hope that the experience of the past year, together with appropriate legislation by Congress, may reach a satisfactory solution of this question and secure to the public service for all time a practical method of obtaining faithful and efficient officers and employes."[6]

President Grant's earnest and persistent effort in this new field of executive endeavor entitles him to honor as a progressive statesman whose policy in regard to the civil service was in harmony with the advanced thought of his time.

After his reelection to the Presidency, in his inaugural address, which was brief, he still found room to express his continued interest in this reform:

"It has been, and is, my earnest desire to correct abuses that have grown up in the civil service of the country. To secure this reformation, rules regulating methods of appointment and promotion were established and have been tried. My efforts for such reformation shall be continued to the best of my judgment. The spirit of the rules adopted will be maintained."[7]

On April 18, 1874, President Grant transmitted the report of the

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[4]Richardson, James D., Messages and Papers of the Presidents, Vol. VII, p. 109.

[5]Richardson, James D., Messages and Papers of the Presidents, Vol. VII, p. 155.

[6]Ibid., p. 205.

[7]Ibid., p. 223.

Civil Service Commission, "authorized by the act of Congress of March 3, 1871." He still expressed undiminished faith in the establishment of a merit system and asks Congress to continue appropriations for the support of the work of the Civil Service Commission.

In his annual message of December 7, 1874, President Grant expressed his discouragement resulting from the failure of Congress to carry out his recommendations with reference to the reform of the civil service. "The rules adopted to improve the civil service of the Government," he declared, "have been adhered to as closely as has been practicable with the opposition with which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impracticable to maintain them without direct and positive support of Congress."[8] He seemed sensitive to criticism of what had been done to improve the service and disappointed at the action of Congress. "Under these circumstances," he continued, "I announce that if Congress adjourns without positive legislation on the subject of 'Civil Service reform' I will regard such action as a disapproval of the system and will abandon it, except so far as to require examinations for certain appointees, to determine their fitness. Competitive examinations will be abandoned."[9]

The only action on the part of Congress thus far had been a provision in an appropriation bill in 1871 authorizing the President "to prescribe such rules and regulations for the admission of persons into the civil service of the United States as will best promote the efficiency thereof." It further gave him power, "to employ suitable persons to conduct said inquiries," and appropriated $25,000 to inaugurate this service. The appropriation was not renewed at the end of two years and the President was left without means to proceed with the reform in which he was so deeply interested. At the same time Congress recognized the rules that had already been established by the enactment of a law prohibiting the assessment of the salaries of Government employes for political purposes. This represented the sum total of what was accomplished under the Grant administration.

In the Presidential campaign of 1876 the two leading political parties pledged themselves to civil service reform. Rutherford B. Hayes was known to be especially friendly to the movement. In his inaugural address he devoted two paragraphs to the subject. Among other things he said:

"I ask the attention of the public to the paramount necessity of reform in our civil service—a reform not merely as to certain abuses and practices of so-called official patronage which have come to have the sanction of usage in the several departments of the government, but a change in the system of appointment itself; a reform that shall be thorough, radical and complete; a return to the principles and practices of the founders of the government."[10]

He further directed attention to the fact that in the preceding political campaign both parties had been pledged to civil service reform and accepted the mandate "as the expression of the united voice and will of the whole country upon this subject."[11] His plea for a merit system was followed with the famous declaration of the duty that came to him as chief executive of the Nation, concluding with the expression that has become a classic:

"The President of the United States of necessity owes his election to office to the suffrage and zealous labors of a political party, the members of which cherish with ardor and regard as of essential importance

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[8]Richardson, James D., Messages and Papers of the Presidents, Vol. VII, p. 300.

[9]Ibid., p. 301.

[10]Richardson, James D., Messages and Papers of the Presidents, Vol. VII, p. 315.

[11]Ibid., p. 445.

the principles of their party organization; but he should strive to be always mindful of the fact that he serves his party best who serves his country best."[12]

In his first message to Congress December 3, 1877, President Hayes again drew attention to the necessity of reform in the civil service and the demand for such reform on the part of the two leading political parties. In conclusion he said:

"I have fully believed these declarations and demands to be the expression of a sincere conviction of the intelligent masses of the people upon the subject, and that they should be recognized and followed by earnest and prompt action on the part of the legislative and executive departments of the government in pursuance of the purpose indicated."[13]

In his annual message of December 1, 1879, the President gave much space to civil service reform and its growth in popular favor. "The grave evils," he declared, "and the perils of a partisan spoils system of appointment to office and of office tenure are now generally recognized."[14] He drew attention to previous recommendations of President Grant,[15] devoted space to a discussion of what has been attempted to date to improve conditions and concluded by asking Congress "to make the necessary appropriations for the resumption of the work of the Civil Service Commission." He declared that economy would "be promoted by authorizing a moderate compensation to persons in the public service who may perform extra labor upon or under the commission, as the executive may direct."[16]

In his message of December 6, 1880, he drew attention to the extension of the merit system to the "custom-houses and postoffices of the larger cities of the country." He reported that "In the City of New York over 2,000 positions in the civil service have been subject in their appointments and tenure of place to the operation of published rules for this purpose during the past two years. The results of these practical trials have been very satisfactory, and have confirmed my opinion in favor of this system of selection."[17]

Under date of February 28, 1881, President Hayes transmitted the report of Dorman B. Eaton, chairman of the Civil Service Commission, on the results of the application of the merit system to the postoffice and custom-house in the City of New York, and declared that the result of a practical test of the system had been very gratifying.

While President Hayes throughout his administration manifested a lively interest in the reform of the civil service, his recommendations to Congress did not meet with a cordial response and no legislation on the subject was accomplished in advance of what had been secured under the administration of President Grant.

The election of President James A. Garfield was hailed with satisfaction by the civil service reformers. He had on various occasions expressed his approval of the merit system. He was one of the most scholarly of all our presidents. It was believed that his influence with Congress would powerfully aid in the enactment of an effective civil service law. In his inaugural address he declared that the civil service could never be placed on a satisfactory basis until it was regulated by such a law. Beyond this, however, the paragraph that he devoted to civil service reform was guarded and indefinite. He evidently reserved for his message to Congress a fuller statement of his views and a more specific intimation of the provisions that should be included in the

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[12]Richardson, James D., Messages and Papers of the Presidents, Vol. VII, p. 445.

[13]Ibid., p. 465.

[14]Ibid., p. 561.

[15]Ibid., p. 564.

[16]Ibid., p. 565.

[17]Richardson, James D., Messages and Papers of the Presidents, Vol. VII, p. 636.

desired legislation.[18] Unfortunately his tragic death prevented the statement of his policy in a message to Congress. The manner of his death, however, was a powerful agency for the overthrow of the system responsible for it.

It must be borne in mind that while George H. Pendleton turned his back upon the traditions and practices of his party he kept strictly within the platform pledges of that party. Beginning with the year 1872, the democratic party in its national conventions had gone on record in no uncertain language, in favor of the reform of the civil service. The platform on which Greeley was nominated demanded the merit system and denounced the then existing order in the following terms:

"The civil service of the Government has become a mere instrument of party tyranny and personal ambition, and an object of selfish greed. It is a scandal and reproach upon free institutions and breeds a demoralization dangerous to the perpetuity of a republican government."

Succeeding conventions of the party in even more forceful and definite language demanded civil service reform and condemned the spoils system.

In plain and simple terms, what is the spoils system? It is the giving of official positions in return for party service. It says to the ward worker, the caucus manipulator and professional vote getter, "You help elect me mayor or congressman or governor, and I will give you an office in return. I will either throw out some one to make a place for you or have a new office created for you." In short, it is a system of legalized corruption. In the language of the San Francisco Call, "The spoils system declares that men shall make a living out of politics. It implies that they shall give or withhold their votes because a valuable consideration has been offered. Less disgraceful than outright bribery, it is more pernicious, for the briber pays his obligations out of his own pocket; the spoilsman makes the public pay them."

To this one might add that while the briber corrupts the voter, the spoilsman, as a rule, through the appointment of inefficient men, not only corrupts the voter but demoralizes the public service.

Every time an agent of the government appoints an incompetent man, or any man, for the sole purpose of paying a political debt he sets a corrupt example for the whole people. And this is none the less true when done without sinister motive. The corrupt practices of high finance and debased politics are natural and logical results of the spoils system against which Pendleton inveighed.

From a purely business point of view, the supreme folly and criminal waste of such a system is apparent. How long would a great railroad system operate successfully if every two years a new president of the road should be elected, who in turn should fill all positions on the basis of political service, drive out the trained and experienced men and put the vote getters in charge? There would be jobs and sinecures and fancy salaries; there would be wrecks and broken bones and mangled bodies that would make humanity shudder. What would happen if the same policy were applied to our public schools and colleges and universities? In a comparatively short time there would be chaos and confusion intolerable and disastrous. And yet prior to 1883, the vast and complex machinery of our government was administered on the basis of spoils.

As already intimated, the spoils system is to be condemned because it blunts the moral sense of the citizen and loots the public treasury under the guise of the law. One of its fruits was a goodly number of influential citizens with two codes, one for dealing with private and another for dealing with public affairs. It is even said that in those degenerate days there were men who would not take a penny from a

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[18]Richardson, James D., Messages and Papers of the Presidents, Vol. VIII, p. 11.

neighbor, even in the dark, but who still seemed to think it was not very wrong to steal a little from the state.

The struggle for place, the demoralization of the public service and the tragic result to which reference has been made led to a widespread demand for a reform of the civil service. With this George H. Pendleton was in hearty sympathy and he was prompt to respond. He devoted his influence and energies to end this saturnalia of spoliation by the establishment and enforcement of the merit system. In his speech in the United States Senate in December, 1881, he said:

"This spoils system opens up to every thoughtful man, nay to every man who will see, even without thinking, visions of wrong, injustice, brutality, wastefulness, recklessness, fraud, peculation, degradation of persons and parties, which have driven from public life much of the cultivated intellect and refined morality of the country, and fill even the most hopeful mind with sadness for much in the present and grave anxiety for the future."

Again in the same speech he said of this system:

"It is the prolific parent of fraud, corruption and brutality. * * * It lowers the tone and degrades the sentiment, not only of the public men, but, more important still, of the whole people behind them."

This arraignment he followed up with an able presentation of the merit system proposed in his bill. If his vision of what he hoped his measure would accomplish has not been fully realized in the almost forty years that have elapsed, it is the ideal toward which, in spite of temporary delays and reverses, the practices of state and nation are slowly but assuredly moving.

A year later, in December, 1882, he again spoke in favor of his bill for the enactment of which he had labored unceasingly. In his brief speech he said in part:

"The existing system which, for want of a better name, I call the 'spoils system,' must be killed or it will kill the Republic. I believe that it is impossible to maintain free institutions in this country upon any basis of that sort. I am no prophet of evil, I am not a pessimist in any sense of the word, but I do believe that, if the present system goes on until 50,000,000 people shall have grown into 100,000,000 and 140,000 officers shall have grown into 300,000, with their compensation in proportion, and all shall depend upon the accession of one party or the other to the presidency and to the executive functions, the presidency of this country, if it shall last in name so long, will be put up for sale to the highest bidder, even as in ancient Rome the imperial crown was awarded to those who could raise the largest fund."

Our population has grown to over 100,000,000 and there were in the classified service alone in 1917, 327,000 persons. In 1918, this number had reached approximately 600,000, due largely to the World war. The number reported in 1923 was 411,398.[19]

The civil service reform movement, as we have seen, did not originate with Pendleton. The bill that he introduced was largely the work of the National Civil Service Reform Association and its president, Dorman B. Eaton. Similar measures had previously been introduced and considered in Congress. But nevertheless to Pendleton is due the credit for sponsorship and chief influence in the enactment of the national civil service law. The peculiar political condition at this time and his relation to it should not be forgotten. After the tragic death of Garfield, following the bitter factional fight in the republican party, the congressional elections went strongly democratic. The prospect for democratic victory at the coming presidential election was bright. The practical politicians of that party very naturally did not relish the prospect of the enactment of a civil service law that would perpetuate in office many thousand republican appointees. If there was to be any civil service

[19]United States Civil Service Commission. Report, 1923, p. 187.

law, they much preferred that it be deferred until their party came into power, and their hungry friends and retainers were comfortably established in the berths for which they had waited so long. This feeling was shared by democrats in Congress. Under these circumstances, the leadership of George H. Pendleton, in the movement for civil service reform, was most fortunate if not absolutely essential to the enactment of the law.

Just a word, by way of parenthetical diversion, for the "practical politicians." Hard names should not be applied to them. The rank and file are firmly convinced that they are rendering their country a patriotic service in the support of their party and that they are entitled to recognition for this service. They were and, where they are still found, are the product of a system for which they should not be held responsible.

After all the "workers," those who come into actual contact with the voters and arouse "patriotic party interest," are perhaps less reprehensible than the "higher ups" who contribute cash lavishly and claim their reward in consulships, ministerial posts, ambassadorships and other appointive positions of trust and honor.

Senator Pendleton was aware that his action was not pleasing to many democratic party workers, to "the boys in the trenches," but believing that his course was right and that it would ultimately inure to the benefit of his party, he never wavered in the fight that he led for the merit system. His bill passed the Senate December 27, 1882, by a vote of 38 to 5; it passed the House January 5, 1883, by a vote of 155 to 47, and was approved by President Arthur January 16, 1883.

For his courageous support of the measure he incurred the ill will of "the boys" in Ohio, and they quietly prepared to retaliate. When his senatorial term came to an end he suddenly found that he had a large fight on his hands in the Legislature which was controlled by his party. "The boys" pitted against him the old war horse, Durban Ward. The fight waxed warm, for "the boys" were after the scalp of Pendleton.

January 8, 1884, was the date set for the caucus of the democratic members of the General Assembly of Ohio to determine who should be nominated to succeed Senator Pendleton. There were three candidates for the honor, Henry B. Payne, Durban Ward and Pendleton, who sought to succeed himself. The contest became exciting and charges of bribery were freely made. The situation became so tense that Ex-Senator Allen G. Thurman, always deeply interested in the welfare of his party, felt called upon to issue the day of the caucus the following letter that expresses his view of the contest and is here reproduced in full:

"I have nothing against either of the candidates. They are all men of ability. My personal relations with each of them have always been friendly and pleasant. But there is something that shocks me in the idea of crushing men like Pendleton and Ward, who have devoted the best portions of their lives to the maintenance of Democracy, by the combination against them of personal hatred and overgrown wealth. I hear Payne men say: 'We cannot support Pendleton because we disapprove of his civil service reform bill,' forgetting that convention after convention of the democratic party, both State and National, had resolved in favor of civil service reform, and also forgetting that the Republicans now in office are just as liable to be turned out as if the Pendleton bill had never passed. I do not advocate that bill. I think it ought to be amended or repealed; but I would not slaughter a life-long Democrat because in a long public service he happened to make one mistake.

"But if these gentlemen can not support Pendleton, why can not they support Ward? He is not responsible for the civil service reform bill. Indeed, I have always understood that he disapproves of it. That he is a man of ability, every man must admit; that he has performed

immense labor for our party, no one will deny. Why, then, prefer Payne to him? The answer, I fear, is perfectly plain. There never has been any machine politics in the Democratic party of Ohio. We have, as a party, been freer from bossism than any party that ever existed. But some men seem to think that we ought to have a machine, amply supplied with money to work it, and under absolute control of a boss or bosses, to dictate who shall and who shall not receive the honors and rewards within the gift of the party. To set up such a machine it is necessary, in the first place, to kill the men who have heretofore enjoyed the confidence of the party—the men whose ability, hard labor, and principles did so much to keep the party together in the terrible ordeal through which it has passed. I am unwilling to see this done. It does not concern me personally, for I am a mere private citizen, having no expectation or wish to ever hold office again. But although I have never sought for revenge upon my enemies in the party—if I have had any—on the other hand, I have never deserted my friends, and I do not want to be called on to be a pall-bearer at their political funerals. I want to see our officers elected in the good old-fashioned Democratic mode, and not by some new-fangled mode that, to say the least of it, wears an evil-omened and inauspicious aspect. I want to see all true Democrats have a fair chance, according to their merits, and do not want to see a political cut-throat bossism inaugurated for the benefit of a close party corporation or syndicate."[20]

Allen O. Myers, state representative from Franklin County and strongly opposed to the election of Payne, in his account of this contest speaks thus of the principal reason brought forth by democratic members of the General Assembly for opposing Pendleton:

"The argument used against Mr. Pendleton, was that he was the author of the civil service law. But the platform upon which the state ticket had been elected, and the legislature had been carried, was the most emphatic endorsement of civil service reform, that the Democratic party of Ohio had ever made. The pretext for opposing Mr. Pendleton was the most flimsy and pitiable that could be presented. This feature of the Senatorial convass only demonstrates the insincerity of political parties and promises."[21]

Opinions still differ as to what extent this argument was sincere or a matter of excuse. It seems clear, however, that members of the General Assembly relied upon it to justify their action with their constituents and it may be truly said that Pendleton made the fight for principle and paid the penalty. He was defeated in the democratic caucus, and Payne succeeded him in the Senate.

When the civil service bill was up for consideration, friends warned him of its effect on his party. In answer he said:

"It has been said that the abandonment of the spoils system will exclude Democrats from office when the day of our victory shall come. I do not think so. On the contrary I believe the adoption of this policy as our party creed will hasten the day of the victory of our party, and its adoption as a law will under any administration fill many offices with Democrats. I think it will bring to our aid very many men not hitherto of our political faith, who believe this reform a vital question in our politics."

In 1884 Grover Cleveland was elected President. He won on a margin of less than 1,500 votes in the State of New York. The result depended upon a number of influences, all of which were necessary to his success. He had the support of Harper's Weekly and the civil service reformers, the so-called Mugwumps, of that day. Without their aid he could not have been elected. George H. Pendleton and his civil service act were very material influences in bringing about this result.

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[20]Columbus Evening Dispatch, January 8, 1884.
[21]Myers, Allen O. Bosses and Boodle in Ohio Politics, p. 228.

He knew what he was talking about when he said, "It will bring to our aid very many men not heretofore of our political faith who believe this reform a vital question in our politics." He helped to win the national victory for his party, but fell outside of the breastworks at the hands of "the boys."

In 1885 he was appointed by President Cleveland minister to Germany, a post that he filled with credit to himself and his country. On his way back to America, he died at Brussels, Belgium, November 24, 1889. He was survived by two daughters and a son, Frank Key Pendleton, a successful lawyer and eminent jurist of New York City. His wife, whose maiden name was Alice Key, was a daughter of Francis Scott Key, the author of "The Star Spangled Banner." Her death by accident, while her husband was in the foreign service, almost prostrated him. From the shock he never fully recovered.

George H. Pendleton was familiarly known as "Gentleman George," and it is the testimony alike of supporters and opponents that he was at all times and under all circumstances the perfect gentleman. High tribute is paid to his domestic virtues, his eminent ability and his personal honor that was never sullied.

His great achievement, the civil service law, still stands. In spite of all assaults, it is today more firmly established than ever before. It will never be repealed. Its place is as secure as if it were imbedded in the constitution. It has been extended and municipalities and states are following the example of the National Government. We do not realize what we owe to the merit system. Its preventive agency is like that of pure water. We are conscious of slight defects in the latter without thought of its continuous contribution to our health and the health of the community. So with the merit system. We notice its defects, its limitations, its faulty administration without a thought of what would happen if we went back to conditions of forty years ago. If the great number of positions under the protection of the national civil service law were, as of old, thrown into the lottery of a presidential campaign, it would rock the Republic to its foundations.

It is easy often from surface indications or the noise of interested parties to conclude that the civil service law, or any law that runs counter to the interest of a considerable number of people, is a farce. On the whole, however, it must be conceded that the merit system is a pronounced success, and the law that established it is the greatest achievement in constructive statesmanship to the credit of an Ohioan since the close of the Civil war.

ADMINISTRATION OF GOVERNOR RUTHERFORD B. HAYES

Fifty-Eighth General Assembly

Regular Session, January 6 to May 18, 1868. Adjourned Session, November 23 to November 25, 1868. Second Adjourned Session, January 25 to May 17, 1869

John C. Lee was the lieutenant-governor and ex-officio president of the Senate. John F. Follett, of Licking County, was speaker of the House of Representatives, but later resigned and was succeeded by French W. Thornhill, of Coshocton County. On the House staff the journal clerk was John A. Cockerill, a young newspaper reporter of Dayton, whose subsequent career was noteworthy. After the first session of the General Assembly he became successively a reporter and city editor of the Cincinnati Enquirer, correspondent in the Turko-Russian War of 1877, one of the founders of the Washington Post, managing editor of the St. Louis Post-Dispatch, editor and later managing editor of the New York World.

RUTHERFORD B. HAYES

Governor January 11, 1868—January 8, 1872. January 10, 1876—March 2, 1877. Born October 4, 1822. Died January 17, 1893. Major-general by brevet in Union army; congressman; President of the United States.

The official canvass of votes in the election of 1867 for state officers made by the Assembly on January 8, 1868, showed the following results:

Governor—Rutherford B. Hayes, 243,605; Allen G. Thurman, 240,622. Total, 484,227.

Lieutenant-Governor—John C. Lee, 243,486; Daniel S. Uhl, 240,845.

State Auditor—James H. Godman, 243,461; John McElwee, 240,840.

State Treasurer—Sidney S. Warner, 243,318; Charles Fulton, 240,802.

Judge of the Supreme Court—John Welch, 243,480; Thomas M. Key, 240,941.

Attorney-General—William H. West, 243,449; Frank H. Hurd, 240,874.

Governor Hayes, one of the men of Ohio whose names are enrolled on the list of Presidents of the United States, was born at Delaware, and had reached the age of forty-six years when he became governor. He had moved to Cincinnati, where he was a practicing attorney. He had entered the war in 1861, and had been promoted from time to time for distinguished service until he attained the rank of brigadier-general. In 1864, while in the field, he was elected to Congress, and reelected in 1866. He became governor before his term in Congress expired, and was reelected in 1869. In his third term as governor, which began in 1875, he was nominated and elected President, in 1876. In 1881 he retired to his home in Fremont, and died there, January 17, 1893.

At the adjourned session of the General Assembly, in 1869, Allen G. Thurman, whom Hayes had defeated for governor in 1867, was elected United States Senator by the democratic assembly. Thurman's name is famous in the annals of Ohio. When elected senator he was fifty-six years old, and was one of the most noted lawyers of the country. He had been on the state Supreme Bench seventeen years before, and was chief justice from 1854 to 1856. He served in the United States Senate until 1881, was a candidate for the democratic nomination for the presidency in 1888, and after Cleveland was named instead, he was made the party's candidate for Vice President. His home was in Columbus, where he died in 1895.

The claims of those citizens of Ohio who had been damaged by the raid of Gen. John Morgan in 1863 had not yet been settled, although they had been under investigation for five years, and it was not until April 30, 1869, that they were finally disposed of. On that date an act was passed by the General Assembly appropriating $580,837 for the purpose. Of this total, $430,969 was "for the payment of damages and injuries caused by the rebel forces in taking, damaging and destroying property, most of which property was afterwards recaptured by the union forces and appropriated to the use of the United States." The damage done by the union forces amounted to $143,611; and $6,257 was paid because of property taken, damaged or destroyed by the militia of Ohio.

A very drastic law was enacted to stop prize fighting in the state. Principals in them were to be imprisoned for from one to ten years, and trainers, backers, spectators, and even newspaper reporters who attended them were subject to a fine of from $10 to $500, and imprisonment of from ten days to three months.

Political agitation was the outstanding feature in the lives of Ohio people in 1868. The impeachment trial of President Andrew Johnson held their attention almost to the exclusion of every other topic until it was ended. This Ohio interest was natural. Chief Justice Salmon P. Chase, of Ohio, presided at the trial. Benjamin F. Wade, United States Senator and acting Vice President, would have succeeded Johnson in case of the removal of the latter from office. Henry Stanbery resigned his office as attorney-general to defend Johnson. The removal of Edwin M. Stanton from the cabinet was one of the leading causes

of the impeachment of the President. The relation of all of these men to Ohio was intimate and of long standing. Debate upon the charges to be brought against Johnson by the Lower House of Congress before the United States Senate began early in February, and the great trial started late in March. It continued until May 16th, when the vote was taken by the Senate—thirty-five for conviction and nineteen for acquittal. As thirty-six votes (two-thirds of all) were necessary to convict, Johnson remained in his office. The Ohio editors and people were greatly excited by these events. Charges of being "sold out" were made by the republicans, and the democrats were jubilant over the result.

The election of state officers was of far less importance than that for President. The name of General Grant was prominently used in that connection as early as January. He was not known in any political relations or activities, but was sympathetic with those who were fighting President Johnson, and was classed as a republican. The state convention was held in Columbus on March 4th, and nominated a state ticket and two presidential electors-at-large, and elected four delegates-at-large to the convention which was to be held at Chicago on May 20th. In its platform it proposed Grant for President and Benjamin F. Wade, of Ohio, for Vice President. The state ticket named was: Supreme judge, William White, of Clark County; secretary of state, Isaac R. Sherwood, of Williams; school commissioner, John A. Norris, of Geauga; clerk of the Supreme Court, Rodney Foos, of Clinton; member of the board of public works, James Moore, of Coshocton.

Ex-Governor David Tod and Samuel Galloway were nominated for presidential electors-at-large, and the following were elected delegates-at-large to the national convention: Fred Hassaurek, of Hamilton County; John C. Lee, of Lucas; John A. Bingham, of Harrison, and James Scott, of Warren. The delegates of the nineteen districts were: William P. Stoms, James W. Sands, Thomas L. Young and Henry Kessler, all of Hamilton County; Orville C. Maxwell, Montgomery; Nathaniel C. McFarland, Butler; Leander H. Long, Champaign; Horace Coleman, Miami; Oscar F. Locke, Hancock; Lewis T. Hunt, Hardin; Samuel Hemphill, Brown; George W. Hulick, Clermont; Coates Kinney, Greene; James S. Goode, Clark; Thomas C. Jones, Delaware; Henry C. Godman, Marion; Frederick Wickham, Huron; Arthur B. Nettleton, Erie; Asher Cook, Wood; Horace Sessions, Defiance; John Campbell, Lawrence; John Ellison, Adams; George W. Gregg, Pickaway; Thomas W. Beach, Ross; John A. Sinnet, Licking; Israel Green, Knox; Addison S. McClure, Wayne; John H. Boynton, Lorain; Frederick W. Wood, Morgan; Cyrus Grant, Meigs; Benjamin Rush Cowen, Belmont; Elijah Burnett, Tuscarawas; John C. Hostetter, Carroll; J. F. Oliver, Stark; Rufus P. Spalding, Cuyahoga, and Samuel S. Osborn, Lake.

The democratic convention, at Columbus on January 8th, nominated as their candidates for state offices: William Hubbard, of Logan County, for secretary of state; William E. Finck, of Perry, for Supreme judge; John M. Webb, of Mahoning, for clerk of the Supreme Court; Samuel J. Kirkwood, of Seneca, for commissioner of common schools, and Arthur W. Hughes, of Cuyahoga, for member of the board of public works. The men selected as delegates-at-large to the democratic national convention were: Gen. George W. McCook, of Jefferson County; John G. Thompson, of Franklin; Washington McLean, of Hamilton, and Chilton A. White, of Brown.

At the republican national convention in Chicago, which began its sessions May 20, 1868, Delegate Fred Hassaurek, of Cincinnati, by invitation delivered a noted address upon reconstruction, and Ohio men were conspicuous throughout the proceedings. General Grant's name was presented by Gen. John A. Logan, of Illinois, and there was no other candidate for President. When Ohio was called in the roll of the

states, Thomas C. Jones, chairman of the delegation, responded: "Ohio has the honor of being the mother of our great captain. Ohio is in line and on that line proposes following the great captain, who never knew defeat, to fight it out through the summer and through the autumn to the end of the contest, and to be the first in storming the entrenchments until victory is secured and all the stars of the firmament of our glorious constellation are restored in their proper order, and all the sons of freedom throughout the earth shout for joy. Ohio gives forty-two votes for Ulysses S. Grant."

The delegation had decided to vote solidly from first to last for Senator Benjamin F. Wade for Vice President. On the first ballot he received 147 votes, there being ten other candidates. He held an increasing lead through the three successive ballots, receiving 206 on the fourth, but on the fifth there was a stampede to Schuyler Colfax, of Indiana, and his nomination was made unanimous.

The democratic convention in New York assembled on July 4th, and was a stormy one. There were many candidates for President, and twenty-two ballots were taken. Horatio Seymour, of New York, and Francis P. Blair, of Missouri, were nominated for President and Vice President, respectively.

The campaign of 1868 did not create much excited interest. The result was at no time in doubt, owing to the wonderful popularity of General Grant. In October the state republican candidates were elected by majorities ranging from 17,000 to 18,000, and in November Grant and Colfax carried the state by 41,546. The official figures were 280,-167 for them, to 238,621 for Seymour and Blair. The total of 518,788 votes was 42,234 greater than had ever been cast in the state before.

The presidential electors who cast Ohio's vote for Grant and Colfax were as follows: David Tod, of Mahoning County; Samuel Galloway, of Franklin; John G. Olden and Stanley Matthews, of Hamilton; Andrew G. McBurney, of Warren; Jonathan Cranor, of Darke; David Thompson, of Allen; David W. Bailey, of Clinton; Charles C. Walcutt, of Franklin; Lyman B. Matson, of Richland; Luther A. Hall, of Seneca; Hiram Frease, of Henry; John J. Harper, of Scioto; Phillip M. Wagenhals, of Fairfield; William D. Hamilton, of Muskingum; Seth M. Baker, of Ashland; Levi Barber, of Monroe; Isaac Welsh, of Belmont; Edward F. Schneider, of Stark; Stephen H. Pitkin, of Cuyahoga, and Frederick Kinsman of Ashtabula.

President Grant appointed Ex-Governor J. D. Cox secretary of the interior, and Columbus Delano, of Mount Vernon, succeeded him in that office in 1870.

The event of the year 1868, which, other than the election, was of most widespread interest in the state, was the destruction by fire of the great Central Ohio Lunatic Asylum in Columbus, on the night of November 17th. The fire fighting facilities of Columbus were utterly inadequate to cope with it. The cisterns, which were the only source of water supply, were quickly emptied, and the building was abandoned to destruction. Six of the patients confined in cells were suffocated before they could be rescued, and many were saved through a hole cut in the roof. Most of the rescued inmates were removed to the Deaf and Dumb Asylum, the Penitentiary and a local hospital, but some escaped and were recovered with difficulty. The loss to the state was approximately $300,000. The asylum was never rebuilt on the site, but was succeeded by the State Hospital for Insane, on the high ground west of Columbus, the largest institution of its kind in the world.

The election of the year 1869 resulted in another victory for republican candidates for state offices. Most of them were incumbents, renominated by the convention. The democratic convention, held in Columbus on July 7th, nominated Gen. William S. Rosecrans, but a month later he declined to stand for election, and George H. Pendle-

ton, of Cincinnati, was named in his stead. The majorities of the republican candidates ranged from 7,000 to 8,000.

Fifty-Ninth General Assembly

Regular Session, January 3 to April 18, 1870. Adjourned Session, January 3 to May 2, 1871

John C. Lee was again lieutenant-governor and ex-officio president of the Senate. A. J. Cunningham, of Hamilton County, was elected speaker of the House.

The state board of equalization, which was presided over by William L. Groesbeck, determined that the total tax valuation of real estate in the state was $707,846,036.

The joint session of the Assembly, after canvassing the returns of the election of 1869, declared the official results as follows:

Governor—Rutherford B. Hayes, 236,082; George H. Pendleton, 228,567; Samuel Scott (prohibition) 679.

Lieutenant-Governor—John C. Lee, 236,297; T. J. Godfrey, 228,-722; Joshua Woodworth, 743.

Treasurer of State—Sidney S. Warner, 236,345; Stephen Buhrer, 227,948; Thomas Edwards, 780.

Attorney-General—Francis B. Pond, 235,285; John M. Connell, 227,903; James A. Sumner, 774.

The Reform School for Girls, near Delaware, and the Reform Farm for Boys (afterwards designated the Boys' Industrial School) near Lancaster had now been established, and, although not completed, were ready to receive inmates. The governor was therefore authorized by the Assembly to transfer minors confined in the penitentiary to the new institutions.

Action was taken looking to another convention for revising and amending the state constitution. The act in this regard was dated March 30, 1871. It submitted to the voters, at the election of October 10th of that year, the question, "Shall there be a convention to revise, alter or amend the constitution?" and prescribed all regulations for taking and returning the votes to the secretary of state and the president of the Senate.

On March 22, 1870, the first step was taken by the Assembly in establishing a state agricultural and mechanical college. The act provided for the appointment of a board of trustees, to consist of one member from each congressional district, which should decide upon a location "reasonably central in the state." This was under the Morrill law, granting land by the United States for that purpose. It was the beginning of the Ohio State University at Columbus, which has grown to be one of the great educational institutions of the United States.

A law of peculiar interest in the history of Ohio, as showing that notwithstanding the state's encouragement through almost seventy years, and the continuous efforts made under that encouragement, all the wolves in the forests had not been eradicated. Four to six dollars each had been the price paid for wolf scalps in the early days, but on March 18, 1870, the General Assembly passed an act authorizing county commissioners to offer, if necessary, a bounty of $100 each for all wild wolves slain.

On April 4, 1871, the first act in the history of the state was passed to prevent cruelty to animals, and upon this law have been established scores of humane societies to compel its observance. It named a great variety of abuses of domestic animals as defining the offenses to be prevented, and imposed fines of from $10 to $50 upon conviction of violation of the law.

At the legislative session of 1870 an event which created great tumult was the ratification of the Fifteenth Amendment to the Constitution of the United States, giving all negroes the right to vote. There

was a clear cut division between republican and democratic members upon this question, and as the republican majority in each House was very small, the democrats tried to defeat ratification by parliamentary tactics. After the vote had been taken they thought to annul it by claims of improper influence on the part of Salmon P. Chase, then chief justice of the United States Supreme Court, to secure affirmative votes. The vote in the Senate was nineteen to eighteen, and in the House fifty-seven to fifty-five. Crowds of excited people filled the hall of the House, and when the vote was officially announced there were cheers, groans and hisses. The date was January 19, 1870. Governor Hayes received congratulatory telegrams from many prominent republican leaders, which he transmitted to the two Houses.

The political campaign of 1870 was devoid of excitement. Only national issues were involved, and on these the republicans were sure of

THE TOMB OF RUTHERFORD B. HAYES
In beautiful Spiegel Grove State Park

success at the polls. A prohibition party ticket was nominated at a convention held in Columbus, Wednesday, June 1, but it received less than 3,000 votes on election day.

The democratic ticket, named in Columbus on June 1st, was as follows: William Heisley, of Cuyahoga County, for secretary of state; Richard A. Harrison, of Madison, for supreme judge; John H. Heaton, of Belmont, for comptroller of the treasury; William Spencer, of Licking, for member of the board of public works.

The republican convention, on August 10th, was attended by many colored delegates, who had already been thus recognized at home under the Fifteenth Amendment. Isaac R. Sherwood, of Williams County, was renominated for secretary of state; George W. McIlvaine, of Tuscarawas, for judge of the Supreme Court; William T. Wilson, of Portage, for comptroller of the treasury, and Philip V. Herzing, of Auglaize, for member of the board of public works.

The official abstract of the votes cast at the election was as follows:

Secretary of State—Isaac R. Sherwood, 221,709; William Heisley, 205,014; Jay Odell, 2,862. Sherwood's majority, 13,833.

Judge of the Supreme Court—George W. McIlvaine, 222,629; Richard A. Harrison, 204,287; Gideon T. Stewart, 2,810.

Comptroller of the Treasury—William T. Wilson, 221,711; John H. Heaton, 204,287; Thomas Edmonson, 2,780.

Member of Board of Public Works—Philip V. Herzing, 220,704; William A. Spencer, 205,081; Enoch G. Collins, 2,965.

In addition, the republicans elected fourteen of the nineteen members of Congress from the state—a gain of one in the delegation. Among them was Charles Foster, of Fostoria, who served in Congress until 1879, and was then elected governor of the state, which office he held from 1880 to 1884. He was secretary of the treasury in the cabinet of President Benjamin Harrison from February 25, 1891, to March 3, 1893. Foster was forty-two years old when first elected congressman.

The federal census of 1870 was interesting to the people of Ohio because it showed that the state had made fine progress during the preceding decade, notwithstanding the war. The population had increased 13.92 per cent, from 2,339,511 in 1860 to 2,665,260 in 1870. There were in the state 63,213 colored people and one Chinese, with no other race represented except Indians, of whom there were 100 who were outside of any tribal relations. These ten cities had 10,000 or more people each: Cincinnati, 216,239; Cleveland, 92,829; Toledo, 31,584; Columbus, 31,214; Dayton, 30,473; Springfield, 12,652; Portsmouth, 10,592; Zanesville, 10,011; Akron, 10,006.

The year 1871 saw the beginning of a republican defection from President Grant, led by United States Senators Carl Schurz, of Missouri, and Charles Sumner, of Massachusetts, and by Horace Greeley, the famous editor of the New York Tribune. The contest thus begun in the party was greatly deplored by republicans of Ohio. Its culmination in 1872 was one of the outstanding incidents in the political history of the country.

Another subject of much importance to Ohioans in 1871 was the election of a United States Senator, which was to occur at the next session of the General Assembly. John Sherman was a candidate for reelection, and his friends feared that he would have opposition within the party. The prospect greatly agitated the newspaper editors and the people.

This was the year for another election of a full state ticket, including the governor, and it proved to be a time of turbulence and excitement, notwithstanding the fore-knowledge that the republicans would be successful. Clement L. Vallandigham, who had had such a stormy career in the state, still held a strong position in the councils of the democratic party. He astonished the country by coming forward with a "new departure," in which he declared that the democratic party must renounce its position on slavery and secession, and accept emancipation of the slaves, negro suffrage, and reconstruction without further resistance. He succeeded in carrying this policy through the democratic state convention, at Columbus on June 1, but only after a fierce and determined opposition, during more than an hour of the greatest tumult. The platform embodying Vallandigham's new ideas was adopted by a vote of 365 yeas to 129 nays. Many delegates immediately withdrew from the convention to emphasize their disapproval of the act. The following nominations were made: Governor, George W. McCook, of Jefferson County; lieutenant-governor, Samuel F. Hunt, of Hamilton; Judge of Supreme Court, George W. Geddes, of Richland; attorney-general, Edward S. Wallace, of Clark; auditor of state, Joseph R. Cockerill, of Adams; treasurer of state, Gustavus Buehl, of Hamilton; member of the board of public works, Arthur Hughes, of Cuyahoga.

On June 21, 1871, the republican convention, presided over by ex-Governor William Dennison, nominated Edward F. Noyes, of Hamilton County, for governor; Jacob Mueller, of Cuyahoga, for lieutenant-governor; James Williams, of Champaign, for auditor of state; Isaac R. Welsh, of Belmont, for treasurer of state; Francis B. Pond, of Morgan, for attorney-general; William H. West, of Logan, for judge of

the Supreme Court; Rodney Foos, of Clinton, for clerk of the Supreme Court; Thomas W. Harvey, of Lake, for commissioner of common schools, and Stephen R. Hosmer, of Muskingum, for member of the board of public works. In the evening a great ratification meeting was held at the west front of the state house, addressed by John Sherman and James A. Garfield.

The preelection campaign was without unusual incident, and the republican majorities on all candidates approximated 20,000. The vote on holding a convention to revise and amend the constitution stood: For the convention, 267,618; against, 200,992; not voting (counted against) 9,858. Majority in favor of the convention, 56,768.

The new General Assembly contained eighteen republicans and eighteen democrats in the senate; fifty-seven republicans and forty-eight democrats in the House. The majority of nine on joint ballot assured the election of a republican United States Senator.

ADMINISTRATION OF GOVERNOR EDWARD F. NOYES

Sixtieth General Assembly

Regular Session, January 1 to April 2, 1872. Adjourned Session, January 2 to May 16, 1873

Jacob Mueller was ex-officio president of the Senate by virtue of his office as lieutenant-governor. The speaker of the House was Nelson H. Van Voorhes, of Athens County.

A peculiar situation existed in the Senate because of the fact that the members were a tie politically—eighteen democrats and eighteen republicans. Both parties presented names of men for clerks and sergeant-at-arms, and the republican lieutenant-governor cast deciding votes for all the republican candidates. This was regarded by the democrats as of doubtful legality, but the employes were retained as elected.

Canvass of the votes cast at the October, 1871, election, made in joint session of the Assembly, showed results as follows:

Governor—Edward F. Noyes, 238,273; George W. McCook, 218,-105; Gideon T. Stewart (prohibition), 4,068. Total, 460,446.

Lieutenant-Governor—Jacob Mueller, 236,828; Samuel F. Hunt, 217,883; P. M. Weddell, 4,470.

Auditor of State—James Williams, 237,809; Joseph R. Cockerill, 217,883; William B. Chadwick, 4,094.

Treasurer of State—Isaac Welsh, 237,398; Gustavus Buehl, 218,-390; Thomas Evans, Jr., 4,115.

Attorney-General—Francis B. Pond, 237,718; Edward W. Wallace, 218,077; James W. Stinchcomb, 4,098.

On January 10th John Sherman was reelected United States Senator, notwithstanding opposition in his own party, a few members refusing to enter the republican caucus or to abide by its decision. He fell two short of a majority in the Senate, but on joint ballot received seventy-three votes, a majority of six. The democrats voted for George W. Morgan.

The inauguration of Governor Noyes was a notable occasion. There was an unusually large attendance of republicans from all parts of the state, partly due to the senatorial contest, and great crowds listened to the governor's inaugural address with much interest.

The 1870 census and the apportioning act of Congress following it increased Ohio's representation to twenty members in the Lower House at Washington. During the session of 1872 a new apportionment of congressional districts was made by the Assembly. It was the source of much difference of opinion and of acrimonious discussion, as congressional district apportionments had been many times before, and it

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was not until April 27, almost four months after the Assembly had convened, that the act was finally passed.

At the adjourned session, under date of January 14, 1873, definite enactment was made providing for the convention to revise the state constitution, in pursuance of the vote of the people favorable to the holding of such a convention. The act provided that on the first Monday of the following April there should be an election of delegates to the convention, and that those elected should convene in the hall of the House in the state capitol on the second Tuesday in May. This they did, and devoted 188 days to their task. Their deliberations were finished in Cincinnati on May 15, 1874, but the new constitution they presented for ratification of the people was rejected by a vote of 250,169 against it to 102,885 for it.

The presidential election of 1872 occasioned unusual scenes in the state. The opposition to the reelection of General Grant which developed became very pronounced and produced a split in the republican party which was viewed with much concern in Ohio. On May 1, 1872, the representatives of the opponents to the President held a national convention in Cincinnati. Stanley Matthews of that city was the temporary chairman, and Carl Schurz, United States Senator from Missouri, was permanent chairman. The name taken by the faction was "Liberal Republican." It adopted a platform of twelve planks and nominated a ticket—Horace Greeley, of New York, for President, and Benjamin Gratz Brown, of Missouri, for Vice President.

On July 9th the democratic national convention at Baltimore, by overwhelming majorities, accepted Greeley and Brown as their own nominees also. The Ohio delegates to the convention were fully in accord with this action. The leaders were Henry B. Payne, of Cuyahoga County; John A. McMahon, of Montgomery; Chilton A. White, of Brown, and M. A. Daugherty, of Franklin, who constituted the Big Four delegates-at-large. That part of the national democracy which opposed Greeley, who had long been their party's bitterest enemy, held a convention at Louisville on September 3d and nominated for President Charles O'Connor, of New York, and for Vice President John Quincy Adams, of Massachusetts.

The labor reform party met in national convention in Columbus and nominated candidates for President and Vice President, but they both subsequently declined to stand for election. The prohibitionists met in national convention, in Columbus, on February 23d and 24th, and named a ticket consisting of James Black, of Pennsylvania, for President, and John Russell, of Michigan, for Vice President. These various factions and small parties all had their adherents in Ohio.

The republican state convention, at Columbus, on March 27th, nominated a state ticket headed by Allen T. Wikoff, of Adams County, for secretary of state, and elected delegates-at-large to the national convention as follows: Jacob Mueller, of Cuyahoga County; Samuel Craighead, of Montgomery; Henry Kessler, of Hamilton, and James Madison Bell, of Lucas. The state was entitled to two more delegates than the number of then existing congressional districts, inasmuch as Ohio under the new apportionment, not yet made, would have one more district than before. Accordingly ex-Governor Rutherford B. Hayes, of Hamilton County, and Thomas F. Sanderson, of Mahoning, were designated by the convention as the two extra delegates. The convention adopted resolutions unequivocally approving the administration of President Grant and urging that William Dennison, of Ohio, be named for Vice President. But, by reason of conditions which Dennison imposed, his name was not presented before the national delegates.

The republican district delegates to this convention were: James W. Sands, Henry Eckelman, Josiah L. Keck and William F. Tibballs, all of Hamilton County; William D. Bickham, of Montgomery; J. Kelly O'Neil, of Warren; Griffith Ellis, of Champaign; Alexander G. Con-

over, of Miami; David Harpster, of Hancock; James L. Price, of Van Wert; Jefferson Hildebrandt, of Clinton; Andrew J. Wright, of Highland; Perry Stewart, of Clark; Edward F. Noyes, of Franklin; John H. Myers, of Richland; S. E. De Wolf, of Marion; J. G. Sherman, of Huron; J. S. York, of Seneca; William Crouse, of Lucas; P. C. Hayes, of Williams; John B. Gregory, of Scioto; William H. Enochs, of Lawrence; Nelson J. Turney, of Pickaway; John S. Brazee, of Fairfield; Daniel Applegate, of Muskingum; William C. Cooper, of Knox; Aaron Pardee, of Medina; L. J. Sprengle, of Ashland; Nelson H. Van Voorhes, of Athens; Samuel S. Knowles, of Washington; Isaac Welch, of Belmont; W. H. Gooderel, of Guernsey; Washington Butler, of Carroll; A. W. Williams, of Stark; John Huntington and Joseph Turney, of Cuyahoga; F. G. Servis, of Mahoning, and William M. Eames, of Ashtabula.

The national convention of the republicans—the fifth since the organization of the party—was held at Philadelphia, commencing on June 5th. General Grant was renominated for President without opposition. When Ohio's vote was called for, Samuel Craighead, chairman of the delegation, arose and said: "Ohio, the birthplace of Ulysses S. Grant, presents a united front for this nomination today; Ohio, that never failed or faltered when republican work was to be done. Ohio promises to this convention and to the country fifty thousand majority for the nominee. Ohio casts her united vote, forty-four in all, for Ulysses S. Grant." Henry Wilson, of Massachusetts, was made the vice presidential nominee.

The campaign was a highly picturesque one. It was not known what measure of strength the liberal republican party might develop, and no efforts were spared on either side to arouse enthusiasm and to secure the votes As the weeks passed, however, it became evident that Grant would carry the state by a large majority, and it was no surprise when the vote was announced: Grant, 281,852; Greeley, 244,321; Black, 2,100; O'Connor, 1,163; scattering, 162.

The Ohio electors for General Grant were: At large, John C. Lee, of Delaware County, and Alphonso Hart, of Portage. For the districts. Joshua H. Bates and William E. Davis, of Hamilton County; Thomas Moore, of Butler; William Allen, of Darke; Matthew C. Hale, of Shelby; George R. Haynes, of Lucas; Marcus Boggs, of Ross; Charles Phellis, of Madison; John S. Jones, of Delaware; Christopher Columbus Keetch, of Erie; Homer C. Jones, of Vinton; Luther Donaldson, of Franklin; Isaac Smucker, of Licking; Isaac M. Kirby, of Wyandot; Charles H. Grosvenor, of Athens; Jonathan T. Updegraff, of Jefferson; Joshua A. Riddle, of Mahoning; John R. Buchtel, of Summit; Aaron Wilcox, of Geauga, and John C. Grannis, of Cuyahoga.

The republicans elected thirteen congressmen, and the democrats seven.

On December 29th, before the electoral votes were cast and counted, Horace Greeley died at Chippaqua, New York. He had fully expected to be elected, and he died, it was believed, of a broken heart.

The vote on the state ticket in Ohio, as canvassed at the adjourned session of the General Assembly in January, 1873, was as follows:

Secretary of State—Allen T. Wikoff, republican, 265,925; Aquila Wiley, democrat, 251,778; Ferdinand Schumacher, prohibitionist, 2,035.

Judge of the Supreme Court—John Welch, 263,223; John L. Green, 252,036.

Member Board of Public Works—Richard R. Porter, 266,829; Isaac B. Riley, 250,365.

At the session of Congress which convened in December, 1872, an act was passed raising the salaries of members from $4,500 to $7,500 per year. This act, which was almost universally condemned throughout the country as a "salary grab," was intensely and excitedly condemned by both parties in the Ohio General Assembly, which was in session at

the time. On May 6th they adopted a joint resolution declaring the raise of salaries "unnecessary, uncalled for, and distasteful to the people of Ohio," and calling upon Ohio's representatives in Congress to use their most zealous efforts to have the law repealed. Another resolution expressed the sense of the Assembly that all Ohio representatives in Congress who had voted for the increase, or, voting against it had accepted it, deserved the censure of the people. Then, some historian among the members recalled the fact that among the first twelve amendments to the Federal Constitution which had been submitted by Congress on March 4, 1789, was one as follows: "No law varying the compensation for the services of the senators and representatives shall take effect until an election of representatives shall have intervened." This proposed amendment had never, of course, been submitted to the Legislature of Ohio, since Ohio was not in existence when it was submitted by Congress. It had never been ratified, but had lain dormant and unknown for eighty-four years. But the Ohio Assembly now promptly ratified it as an expression of its indignant protest against the "salary grab" of 1873.

The storm of censure with which the obnoxious act was received was so great that the succeeding Congress repealed it.

The year 1873 saw a partial reversal of the political fortunes of the republican party in Ohio, in that William Allen, democratic candidate for governor, was elected by a plurality of 817 votes, and the General Assembly elected at the same time had a democratic majority in both Houses—seven in the Senate and ten in the House of Representatives. This assured the return of Allen G. Thurman to the United States Senate. The republicans were successful in electing all state officers except the governor. Allen was the first democrat to be elected governor of Ohio since 1853.

ADMINISTRATION OF GOVERNOR WILLIAM ALLEN

Sixty-first General Assembly

Regular Session, January 5 to April 20, 1874. Adjourned Session, January 1 to March 20, 1875.

The Senate of this General Assembly was presided over by Lieutenant-Governor Alphonso Hart, president ex-officio. George L. Converse, of Franklin County, was speaker of the House of Representatives. Converse was a lawyer of celebrity. He had been a member of the House, 1860-1863, and of the Senate, 1864-1865. He served in the Lower House of Congress from 1879 to 1885; and died in Columbus, March 30, 1897.

The vote of the election of 1873, as announced after the official canvass of the Assembly, was as follows:

Governor—William Allen, democrat, 214,654; Edward F. Noyes, republican, 213,837; Gideon T. Stewart, prohibitionist, 10,278; Isaac C. Collins, liberal republican, 10,109. (Allen's plurality over Noyes was 817, but his vote fell short by 19,570, of a majority of the total number cast for the other three candidates.)

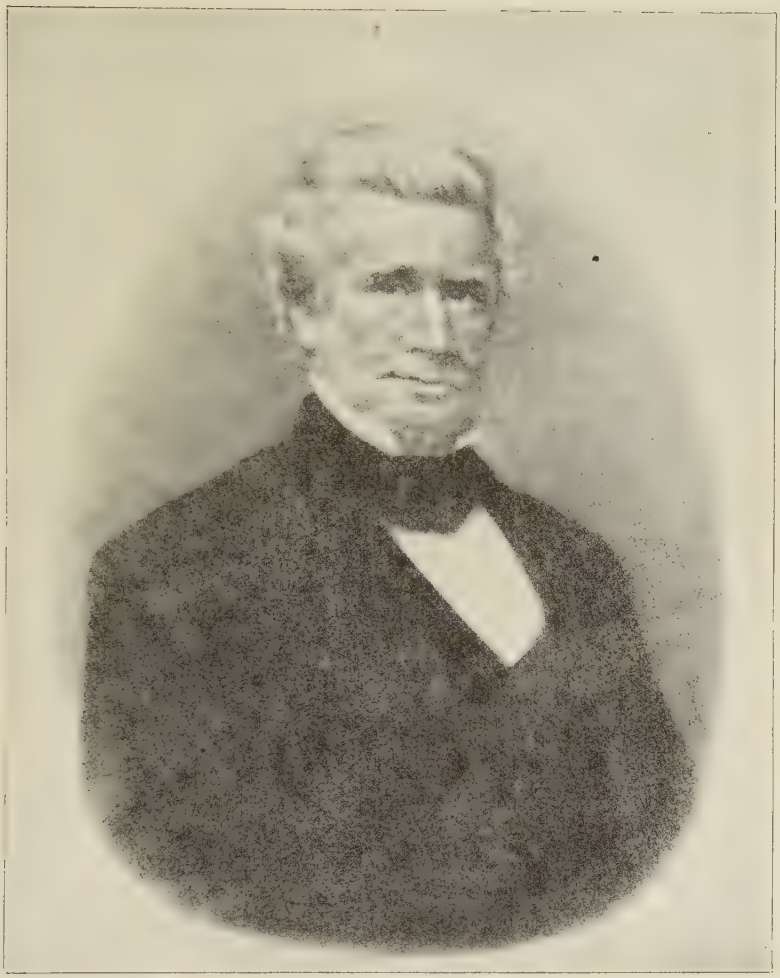
Lieutenant-Governor—Alphonso Hart, 214,228; Barnabas Burnes, 213,593.

Judge of the Supreme Court (full term)—William White, 214,333; Henry C. Whitman, 213,705.

Judge of the Supreme Court (short term)—Walter F. Stone, 214,363; Charles H. Scribner, 213,551.

Treasurer of State—Isaac Welsh, 213,527; George Weimer, 213,349.

Comptroller of the Treasury—William T. Wilson, 214,244; James K. Newcomer, 213,237.



WILLIAM ALLEN

Governor January 12, 1874—January 10, 1876. Born 1807; died July 11, 1879. Congressman; United States Senator.

Attorney-General—John Little, 213,983; Michael A. Daugherty, 213,413.

Member of the Board of Public Works—Philip V. Herzing, 214,-558; Christian Schunck, 212,793.

Governor Allen was inaugurated on Monday, January 12, 1874, with the happy acclaim of the democrats. There was a gorgeous military parade, and a brilliant ball. The inaugural ceremonies occurred on the east front of the capitol, in the presence of an enormous concourse of people.

As this Assembly was democratic on joint ballot, Allen G. Thurman was reelected to the United States Senate. The republicans voted for Ex-Governor Edward F. Noyes.

Legislation enacted was not of large importance in the progress of the state. The protection of workers in the coal mines had become necessary, and an act had been passed in 1872 for that purpose. On March 21, 1874, this law was superseded by one of much broader scope. Requirements were rigid as to provision of outlets from the mines, ventilation, communication between the various points by means of tin speaking tubes, and use of safety lamps exclusively. It was forbidden to employ boys under twelve years old in mines. A state mine inspector was to be appointed to investigate conditions and enforce the new law.

The movement was already under way to hold the Centennial Exposition in Philadelphia in 1876. Ohio, as one of the most populous and enterprising of the states, was desirous of being fittingly represented, and on February 18, 1874, the General Assembly authorized and empowered the governor to appoint five suitable persons to be "Centennial Managers in Ohio," to secure thorough representation of the state's resources of all kinds. Five thousand dollars was appropriated for their immediate use. This amount was afterwards increased, from time to time, to a total of $46,130. Ohio's centennial managers included seven of the most distinguished men of the state: Rufus P. Ranney, of Cleveland; Rutherford B. Hayes; Edward F. Noyes, of Cincinnati; George W. McCook, of Steubenville; Barnabas Burnes, of Mansfield, and Ralph P. Buckland, of Fremont. The director general of the entire exposition was Alfred T. Goshorn, of Cincinnati, and upon him devolved the final responsibility for its organization and success. The Ohio Building was the only state edifice accepted by the Philadelphia Park Commission for preservation after the exposition was over. It was visited by from 250,000 to 300,000 Ohio people, and was "conceded to be the handsomest and the best adapted for its purpose of all the state buildings." The display of minerals, agricultural products, machinery, pottery, art objects, and especially of archæological remains was extensive and highly instructive.

Prior to 1874 there had been some steps to protect wild game and birds in the state, but the law dated April 20 of that year formed the basis of the complete system in that regard which has since been in effect. It provided that at no time of the year, or at any place in the state, should it be lawful to catch, injure or kill any of the following birds: Sparrow, robin, bluebird, martin, thrush, mocking bird, swallow, oriole, redbird, grossbeak, catbird, chewit or ground robin, pewee or phoebe bird, wren, cuckoo, indigo bird, yellow hammer or flicker, warbler or finch, maris, red starb, dummock, nightingale, cross bill or corn crake, Hungarian robin, European blackbird, great tit or blue tit. Open seasons were defined for hunting other birds and for animals. It was made unlawful to kill any wild deer between December 1st and October 1st, under fine of $50 and imprisonment for thirty days. It was not permitted to use weasels in driving rabbits out of holes. No hunting was to be done except by permission of owners of the lands.

The first labor strike of real proportions among railroad employes occurred early in January of 1874, on the roads controlled by the Pennsylvania Company, and Ohio was greatly affected. Thousands were

involved and there was much bad blood. It was impossible through several weeks to secure adequate service into and out of Cincinnati, Columbus, Steubenville and other important points. The Brotherhood of Locomotive Engineers was in charge of the interests of the strikers. This was followed three years later by far more serious railroad labor disputes, accompanied by violence and destruction of property.

Early in 1874, Morrison R. Waite, of Toledo, was appointed chief justice of the Supreme Court of the United States. He was at the time president of the convention to revise the state constitution. Judge Waite had achieved a national reputation by his success as a representative of the United States Government at the Geneva arbitration conference of 1871, which grew out of the Government's claims against Great Britain for depredations of the Alabama during the war.

Perhaps the most remarkable feature of the history of 1874 in Ohio was the new agitation of the temperance question brought on by the "Woman's Temperance League," which had its origin in Hillsboro, Highland County. It quickly spread all over the state and into other states. The crusade's operations consisted in the formation of processions of good women who visited saloons, prayed, read the Bible and sang hymns, after which they begged the proprietors to desist from their business of selling liquor. In many localities they were successful by this means in temporarily eradicating the liquor traffic, but in many others they were met with violent opposition. A newspaper report from Xenia stated that a saloon keeper there assaulted an elderly lady among the crusaders, knocked her down and threw her into the gutter, for which brutality he was severely punished. This movement led directly to the organization of the Women's Christian Temperance Union, which afterward grew to great proportions throughout the country and in foreign lands.

The campaign of 1874 was fought out largely on the national issue of "Hard Money versus Greenbacks." President Grant had pronounced unequivocally for a currency based on gold and silver in accordance with the republican position, and the democratic convention at Columbus, on August 26th, espoused the cause of a basic greenback currency. The campaign was not exciting, and the voting public was almost apathetic. The result of the election was a signal democratic triumph.

When, at the adjourned session of the General Assembly, the official vote was reviewed, it was found to be as follows:

Secretary of State—William Bell, Jr., democrat, 238,406; Allen T. Wikoff, republican, 221,204; John R. Buchtel, prohibitionist, 7,815.

Judge of the Supreme Court (long term)—William J. Gilmore, democrat, 237,556; Luther Day, republican, 221,701.

Judge of the Supreme Court (short term)—George Rex, democrat, 238,307; William W. Johnson, republican, 221,182.

Clerk of the Supreme Court—Arnold Green, democrat, 238,089; Rodney Foos, republican, 221,581.

Commissioner of Common Schools—Charles S. Smart, democrat, 237,044; Thomas W. Harvey, republican, 221,621.

Member of Board of Public Works—Martin Schilder, democrat, 238,106; Stephen R. Hosmer, republican, 220,625.

Thirteen democrats were sent to Congress, while the republican delegation dwindled to seven.

The time of the adjourned session of the General Assembly was largely taken up in consideration of a bill to compel parents and guardians to send their children to school. No attempt to do so had been made prior to that time. It was shown that the total number of children of school age in the state was 991,708 and that of these 287,790 had not attended school for a single day the previous year. The bill required that all children between the ages of eight and fourteen years should attend public schools at least twelve weeks out of each year. Three excuses might be accepted for non-attendance: (1) That

the child's bodily or mental condition precluded attendance; (2) that his time and labor were essential in the support of indigent parents; (3) that he attended other than the common schools, and the nearest public school was two miles from his home. The bill was passed by the House of Representatives; no action was taken on it in the Senate. But this was a forerunner of later rigid laws upon the subject.

Gen. Rutherford B. Hayes was again, unexpectedly, nominated for governor at the republican convention held in Columbus on June 2, 1875. There had been much hesitation in taking this action. Alphonso Taft, of Cincinnati, was the principal avowed candidate for the honor, but he had enemies because he was suspected of being favorable to a sectarian division of the school funds of the state—a division which was desired by many adherents of the Roman Catholic Church. Another term for Hayes had been advocated, but he had declared that he would not accept a nomination in opposition to Judge Taft. Therefore his name was not placed before the convention. During the first ballot taken some delegates voted for Hayes, and before it was finished and the result announced, a Taft delegate arose and moved that Hayes be nominated by acclamation. Confusion arose over the question of his authority to do this, and also because of General Hayes' previous refusal to accept the nomination as opposed to Taft. A telegram was sent to Hayes informing him of the situation, but before he replied to it Charles P. Taft, a son of Judge Taft, removed all the difficulty by moving, on behalf of his father, that General Hayes' nomination be made unanimous. This was done. The rest of the ticket was made up without difficulty.

The democrats, on June 7th, named their candidates at Columbus. Governor William Allen was again at the head of the list. The prohibitionists also placed a ticket in the field.

The campaign was very active. Many noted outside speakers of both parties came to Ohio to help their political friends here. The result of the election was a victory for the republicans, not only as to the state officials but also in the General Assembly, the complexion of which was completely changed, with a republican majority of three in the Senate and seventeen in the House.

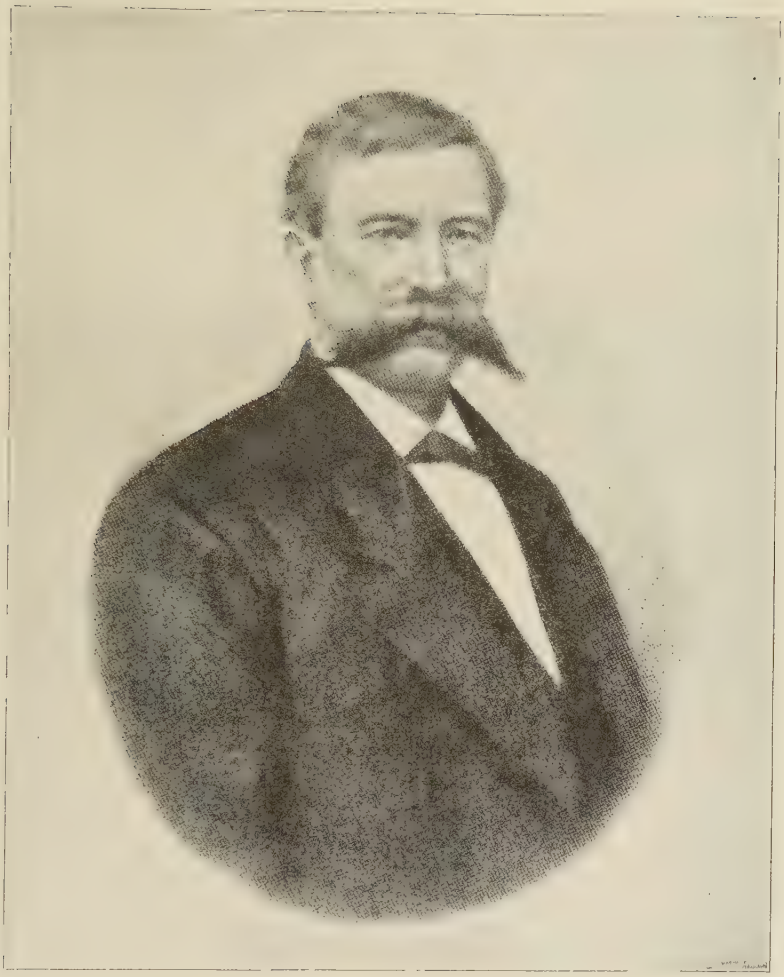
ADMINISTRATION OF GOVERNOR RUTHERFORD B. HAYES

Sixty-second General Assembly

Regular Session, January 3 to April 12, 1876. Adjourned Session, January 2 to May 7, 1877.

Lieutenant-Governor Thomas L. Young presided over the Senate by virtue of his office, and Charles L. Grosvenor, of Athens County, was speaker of the House of Representatives. Young became governor in 1877 upon resignation of General Hayes. General Grosvenor had had a distinguished military career, and was now entering upon a long period of important civil service which made him conspicuous in Ohio for thirty years. He represented his district in Congress for more than twenty years; was delegate-at-large to two republican national conventions.

The Senate contained twenty republicans and fifteen democrats, and the House sixty-three republicans and forty democrats, so that the roster of employes was republican. When in 1877 United States Senator John Sherman resigned to become secretary of the treasury, Stanly Matthews, of Cincinnati, was elected to fill the vacancy. In 1881 Senator Matthews was made an associate justice of the Supreme Court of the United States, in which exalted position he remained for the remainder of his life—until 1889.



THOMAS L. YOUNG

Governor March 2, 1877—January 14, 1878. Born December 4, 1832; died July 20, 1888. Brigadier-General in Union Army; member Ohio Senate and House; lieutenant-governor.

The official vote at the election of 1875 was found by the Assembly to be as follows:

Governor—Rutherford B. Hayes, republican, 297,817; William Allen, democrat, 292,273; Jay Odell, prohibition, 2,503.

Lieutenant-Governor—Thomas L. Young, republican, 297,931; Samuel F. Cary, democrat, 287,968.

Auditor of State—James Williams, republican, 296,210; Edward M. Green, democrat, 292,271.

Treasurer of State—John M. Milliken, republican, 296,617; John Schreiner, democrat, 292,714.

Judge of the Supreme Court—George W. McIlvaine, republican, 296,944; Thomas Q. Ashburn, democrat, 292,238.

Attorney-General—John Little, republican, 296,858; Thomas E. Powell, democrat, 292,487.

Member Board of Public Works—Peter Thatcher, republican, 296,-901; Henry E. O'Hagan, democrat, 292,067.

Legislation by the Assembly was chiefly routine, and had little to do with subjects of popular interest.

Governor Hayes' inauguration in January, 1876, was attended by imposing ceremonies, and he entered upon his third term with no premonition of the tumultuous events of the year, in which he would be one of the central figures, and which were finally to place him in the chair of the chief magistrate of the Nation.

On February 6, 1876, the people of Ohio were startled by details of a catastrophe which took a toll of seven lives in a tragic and unusual manner. On the previous afternoon, in Robinson's Opera House in Cincinnati, while the place was crowded at a matinee performance, someone started a false cry of "fire." Instantly a panic ensued. Men in mad fear charged for the doors, ruthlessly trampling down all who fell in their path, and crushing the lives out of seven helpless women and children. The public condemnation of this act of cowardice and cruelty was bitter throughout the country. On December 5th of the same year the people of the state, in common with those of the whole country, were horrified by a much greater theater disaster in the burning of the Brooklyn Theater, by which many hundred men, women and children lost their lives.

Judge Alphonso Taft, of Cincinnati, who had been an unsuccessful candidate for the republican nomination for governor at the 1875 convention, was in 1876 made President Grant's secretary of war upon the impeachment and resignation of Secretary W. W. Belknap, and later in the year was appointed attorney-general. In 1882 he became United States Minister to Austria.

In February, 1876, Senator John Sherman wrote a letter, which was made public, suggesting Governor Rutherford B. Hayes as the successor of President U. S. Grant, and the suggestion was well received by republicans all over the country—so favorable, indeed, that Ohio republicans were enthusiastic in presenting him before the Nation for the nomination. On March 26th the republican convention at Columbus, after nominating a state ticket, adopted a platform which, among other thing, said: "The Republican party of Ohio, having full confidence in the honesty, ability and patriotism of Rutherford B. Hayes, cordially present him to the national Republican convention for nomination for president of the United States, and our state delegates to that convention are instructed, and the district delegates are requested, to use their earnest efforts to secure his nomination."

Delegates-at-large to the national convention were elected as follows: Benjamin F. Wade, of Jefferson, Ashtabula County; Edward F. Noyes, of Cincinnati, Hamilton County; William H. Upson, of Akron, Summit County, and J. Warren Keifer, of Springfield, Clark County.

The district delegates were: Benjamin Eggleston, Christian Moer-

lein, Henry Kessler and Louis C. Weir, all of Cincinnati; Henry C. Morey, of Hamilton; Frank Browing, of Wilmington; William D. Bickham, of Dayton; Barney Collins, of Greenville; James L. Price, of Van Wert; James Irvine, of Lima; N. M. Howard, of Toledo; Earl W. Merry, of Bowling Green; Samuel H. Hurst, of Chillicothe; John A. Smith, of Hillsboro; Henry W. Smith, of London; R. Byrkett, of Troy; Thomas C. Jones, of Delaware; Hylas Sabine, of Richwood; Ralph P. Buckland, of Fremont; J. B. Rothschild, of Findlay; Homer C. Jones, of McArthur; Samuel H. Bright, of Logan; Leander J. Critchfield, of Worthington; John Groce, of Circleville; Edwin L. Lybarger, of Coshocton; John McIlvaine, of New Philadelphia; D. W. Wilson, of Belleville; Henry C. Carhart, of Galion; Valentine B. Horton, of Pomeroy; Jewett Palmer, of Marietta; Jonathan T. Updegraff, of Mount Pleasant; John Lemmox, of Freedom; Cornelius Aultman, of Canton; Jacob A. Ambler, of Salem; Addison S. McClure, of Wooster; George P. Perkins, of Akron; Henry B. Perkins, of Warren; George H. Ford, of Burton; Edwin C. Cowles and Hiram Garretson, of Cleveland.

The republican "senatorial electors" nominated at the state convention were: Aaron F. Perry, of Hamilton County, and Edward H. Bohm, of Cuyahoga. Those nominated in the districts were: John W. Herron and John W. Warrington, of Hamilton County; George W. Hulick, of Clermont; John C. Williamson, of Darke; Isaac N. Alexander, of Paulding; James B. Luckey, of Ottawa; Orange Edwards, of Brown; Anson T. Howard, of Champaign; John J. Hane, of Marion; John S. Davis, of Erie; John L. Jones, of Jackson; Augustus R. Keller, of Fairfield; Edward M. Downer, of Crawford; Andrew M. Burns, of Richland; Columbus Downing, of Morgan; David Cunningham, of Harrison; John H. Whitcraft, of Mahoning; Samuel G. Barnard, of Wayne; Benjamin F. Wade, of Ashtabula, and Worthington G. Streator, of Cuyahoga.

The democrats, in convention at Cincinnati on May 17th, nominated their state ticket. In their platform they incorporated a resolution declaring that William Allen was their choice for President and calling upon the Ohio delegates to the national convention "to use all honorable means to secure his success." Again the money issue was put forward. The "soft money faction" in the convention, led by Allen, outnumbered the "hard money" supporters, among whom Senator Thurman was the chief leader.

The prohibitionists also nominated a state ticket, and on May 17th their national convention at Cleveland presented to the country as its candidate Green Clay Smith, of Kentucky, for President, and Gideon T. Stewart, of Ohio, for Vice President. The straight-out greenbackers of the country held a convention at Indianapolis on May 18th, and named Peter Cooper, the aged New York philanthropist, for President, and Newton Booth, of California, as his running mate. Subsequently Booth declined the honor, and Samuel F. Cary, of Ohio, was substituted.

The national conventions of the republicans and of the democrats were notable for the intensity of strife for the nominations. At Cincinnati on June 15th the republicans nominated Governor Hayes over such powerful men as James G. Blaine, of Maine, Roscoe Conkling, of New York, and Oliver P. Morton, of Indiana, three of the greatest national figures of the day, as well as Benjamin H. Bristow, of Kentucky, Grant's secretary of the treasury; Governor John S. Hartranft, of Pennsylvania; Postmaster General Marshall Jewell, of Connecticut, and William A. Wheeler, of New York. Blaine's name was presented in the famous "Plumed Knight" speech of the noted orator, Robert G. Ingersoll, of Illinois. Ex-Governor Noyes presented the name of Governor Hayes, and Senator Ben Wade made the seconding speech. There was trouble with the gas lighting system in the hall, which prevented a night session after the nominating speeches were finished, and the balloting

was deferred to the next day. The Blaine men always afterwards believed that this circumstance prevented his nomination, as various combinations were made against him during the night. Seven ballots were taken the next morning. On the sixth Blaine received 308 votes, Hayes 113, Bristow 111, Morton 85, Conkling 81, Hartranft 4, and Wheeler 2. Then all names were withdrawn except those of Hayes and Blaine. On the seventh ballot Hayes received 384 votes, Blaine 351, and Bristow 21. The nomination of Governor Hayes was made unanimous on motion of a Blaine delegate from Maine. William A. Wheeler, of New York, was made the candidate for Vice President.

It was at St. Louis on June 28th that Samuel J. Tilden, of New York, was made the democratic candidate—defeating five others, including William Allen, of Ohio. Only two ballots were necessary.

The campaign of 1876 in Ohio centered about Hayes and Tilden exclusively. The election of state officers was of comparatively no importance, and was all but lost sight of. The struggle over the presidential candidates was of the fiercest character, both sides putting forth their utmost efforts. The total vote, 660,221, was nearly 70,000 greater than that cast the previous year, which had itself been by many thousands the greatest ever registered in the state up to that time. The official figures as to President were: R. B. Hayes, republican, 330,698; Samuel J. Tilden, democrat, 323,182; G. Clay Smith, prohibition, 1,636; Peter Cooper, greenback, 3,507; scattering, 1,198.

For some days after the election it was believed, even by the republicans, that Tilden had been elected, or at least that the result was doubtful. But as the official count of votes was made in the various states it began to appear probable that Florida, South Carolina and Louisiana, which had at first seemed safely democratic, had elected republican presidential electors. This would make the electoral vote 184 for each candidate, with one vote in Oregon in doubt. Such a situation was sure to create a superheated controversy over attempts to secure the small number of votes necessary to throw the election one way or the other. And, in fact, the strain became so tense that for more than three months business in the country was almost prostrated. There seemed no constitutional means of solving the problem, but conditions were intolerable, and it was absolutely essential to determine before the 4th of March who was to hold the presidential office. The great party leaders on both sides worked feverishly to arrive at a plan which would be acceptable to the country. In January a congressional committee was appointed to draft a suitable bill, and before the end of the month a "Compromise" was brought in for consideration. It was generally opposed by the republicans in Congress, and favored by the democrats. It was not regarded as a partisan measure, and no particular protest was made against it after it had been passed. It provided for the creation of an electoral commission of fifteen members—five to be appointed by each House of Congress, and the other five to be associate justices of the Supreme Court. This commission was to make a finding in the case, which should be of full authority.

Then came weeks of consideration by the commission. Renowned attorneys for both sides appeared before it, and the country awaited in breathless anxiety for the decision. As late as the first of March there was no word—and the inauguration of a President must occur on Monday, the 5th. On the 2d of the month the final vote of the commission was taken, and it was decided that Hayes and Wheeler were entitled to a majority of the electoral votes. The tension was lifted, and, with the exception of some protests from unofficial democratic gatherings, there was no hint anywhere in the Nation of a refusal to accept the verdict, even though the vote in the commission had been eight to seven in arriving at it. It was an example to the whole world of the firmness and stability of the foundations of the American Government that so close

a decision, on so momentous an issue, was universally accepted by the people.

Meanwhile the General Assembly of Ohio, in January, had officially canvassed the vote of the October, 1876, election of state officers, finding as follows:

Secretary of State—Milton Barnes, republican, 317,856; William Bell, Jr., democrat, 311,220; Edward S. Chapman, prohibition, 1,863.

Judge of the Supreme Court—Washington W. Boynton, republican, 318,772; William E. Finck, democrat, 309,933.

Member Board of Public Works—James C. Evans, republican, 318,-373; Horace P. Clough, democrat, 310,348.

The delegation in Congress consisted of twelve republicans and eight democrats. Among the defeated republicans was Stanley Matthews, of Cincinnati, who, in a total of 28,191 votes cast, had fallen short of a majority by only seventy-five. In the seventeenth district an entirely new name appeared. William McKinley, Jr., republican, was elected as representative in Congress over Levi L. Sanborn, democrat, by a majority of 3,304. Then began a public career for Major McKinley, thirty-three years old at that time, in which he achieved the supreme heights. Also, another new name appeared on the returns of votes for congressman. George K. Nash, republican, was defeated in the twelfth district by Thomas Ewing, democrat, but this proved no great obstacle in the path which led Nash through many honors to the governor's office in 1899.

John Sherman became President Hayes' secretary of the treasury on March 7, 1877, and his resignation as United States Senator created a vacancy which was filled on March 20 by the election of Stanley Matthews. There were five candidates for the place before the republican caucus of the General Assembly, but Matthews won on the third ballot. He received eighty-four votes in the General Assembly's joint session. The democrats voted blanks, having no candidate.

The year 1877 was notable in Ohio for another extraordinary temperance agitation which began in April and stirred the state to its depths. The "Murphy Movement," which had been started in Pennsylvania the preceding year, raged in Ohio with great fury. Francis Murphy attempted to accomplish the great reform by securing signatures to personal pledges to abstain from the use of intoxicating drinks. Signers distinguished themselves by wearing blue ribbons. Meetings were held in every hamlet, town, and city in Ohio through some months, and the campaign aroused very great excitement and interest. Almost all the other states witnessed similar scenes, and before the movement subsided it was claimed by its originator that signatures thus secured by his efforts numbered as many as 10,000,000.

In July of this year Governor Young was called upon to deal with very serious rioting, incident to a railroad strike which had its beginning in Pennsylvania on July 22d, and quickly reached Ohio. At Pittsburg, Baltimore and Harrisburg furious mobs destroyed many millions of dollars of property, and a number of lives were lost in clashes with the militia. In Columbus, Newark, and a number of other Ohio points on the lines of the Pennsylvania and the Baltimore & Ohio Railroad companies, there was great disorder and fear of disaster. Governor Young ordered the state militia into active service, and took personal charge of the situation. The danger had disappeared by early August, and the troops were then ordered home.

The political campaign and election of 1877 resulted in a decisive victory for the democratic candidates, who were elected by pluralities ranging from 17,000 to 22,000. The anti-republican majority reached 56,857. There was great apathy, as shown in the total vote, which fell 104,000 below that for President of the year before. Of this decrease more than 81,000 was suffered by the republicans. The Legislature was

also overwhelmingly democratic—twenty-six to ten in the Senate, and sixty-six to forty-one in the House of Representatives.

ADMINISTRATION OF GOVERNOR RICHARD M. BISHOP

Sixty-third General Assembly

Regular Session, January 1 to May 17, 1878. Adjourned Session, January 7 to June 23, 1879.

As Lieutenant-Governor Young had assumed the office of chief executive after Governor Hayes resigned to become President, and the new lieutenant-governor could not be inducted into office before the vote had been canvassed and the result of the last election officially declared, it was necessary for the Senate to elect a President ad interim. James W. Owens, senator from Newark, Licking County, was accorded this honor, and he continued as President pro tempore after the regularly elected lieutenant, Jabez W. Fitch, was inaugurated. The speaker of the House was James E. Neal, of Butler County. The clerks, sergeants-at-arms, and other employes of both Houses were selected by the democratic majority.

On January 9th the canvass of the vote was made, and the following official figures declared.

Governor—Richard M. Bishop, democrat, 271,625; William H. West, republican, 249,105; Stephen Johnson, national, 16,912; Lewis H. Bond, workingman, 12, 489; Henry A. Thompson, prohibition, 4,836.

Lieutenant-Governor—Jabez W. Fitch, 268,606; Ferdinand Vogeler, 241,437.

Judge of the Supreme Court—John W. Okey, 271,393; William W. Johnson, 251,758.

Clerk of the Supreme Court—Richard J. Fanning, 269,957; Dwight Crowell, 252,676.

Attorney-General—Isaiah Pillars, 269,506; George K. Nash, 252,-155.

Treasurer of State—Anthony Howells, 270,461; John M. Millikin, 250,746.

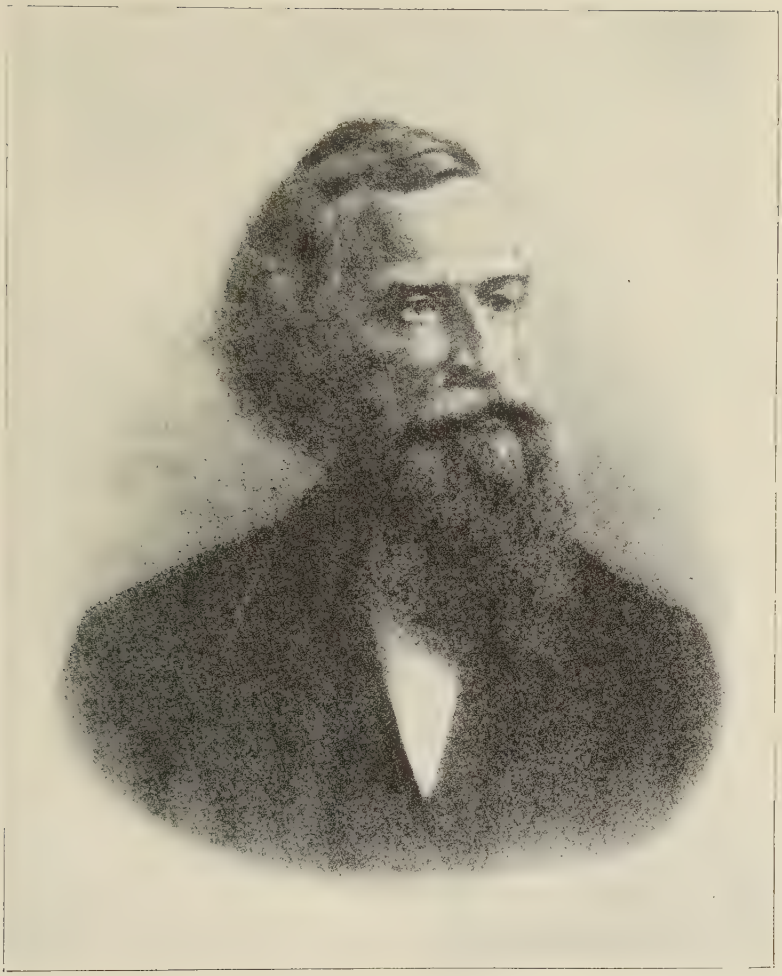
Commissioner of Common Schools—James J. Burns, 269,646; Joseph F. Lukens, 250,844.

Member Board of Public Works—Martin Schilder, 269,499; Augustus W. Luckey, 251,131.

As the term of United States Senator Stanley Matthews (elected in 1877 to fill the vacancy caused by the resignation of John Sherman) would expire of March 4, 1879, it devolved upon the General Assembly at this time to elect his successor. The new senator was, of course, to be a democrat, and all interest centered upon the caucus of the democratic assemblymen. Three ballots were necessary to decide upon the man, and George H. Pendleton, of Cincinnati, won. He had six rivals before the caucus—George W. Morgan, of Knox County; Thomas Ewing, of Fairfield; Durbin Ward, of Warren; Frank H. Hurd, of Lucas; George L. Converse, of Franklin, and Henry B. Payne, of Cuyahoga, the last two being "receptive candidates" only. The republicans had no candidate, and voted blanks.

Governor-elect Bishop was inaugurated January 14th, with the greatest display of state and independent militia ever before witnessed on a similar occasion. It even surpassed in numbers those of inaugurations in war times.

In the General Assembly the chief consideration was a new code of all the laws then in force. Few new enactments of general interest were passed. Blackmail was defined and punishment for it fixed at imprisonment for from one to five years, with fines up to $1,000.



RICHARD M. BISHOP

Governor January 14, 1878—January 12, 1880. Born November 4, 1812; died March 2, 1893. Mayor Cincinnati; member Constitutional Convention of 1873.

Bribery at elections was made a higher offense than before. It was made a misdemeanor to take fish from streams by any other means than with hook and line. Thomas D. Jones was paid $3,350 for his fine bust of Lincoln and the soldiers' memorial then in the rotunda of the capitol but many years later transferred to a location near the entrance to the Senate chamber. The state was redistricted for congressional election purposes; it was expected that this would assure the democrats thirteen members of Congress, and the republicans seven, but in this the democrats were disappointed, for at the next congressional election eleven democrats and nine republicans won seats.

Congress, at its session of 1878, passed the "Bland Silver Bill" after great travail. It was vetoed by President Hayes, but repassed over his veto. The law remonetized silver, and was in accordance with a fundamental democratic policy. The Ohio Assembly adopted a joint resolution expressive of its high approval of this act, "whereby the dollar of the fathers is restored to its proper place as legal money of the United States," and instructed the adjutant general of the state to fire a national salute of thirty-eight guns at sunrise of March 4, 1878, in honor of the passage of the bill. Another joint resolution condemned the "Resumption Act" of January 14, 1875, under which specie payment would be resumed on January 1, 1879, as "in direct opposition to our industries, commerce and public improvements generally," and called upon Ohio members of Congress to do all possible to secure its repeal. These two resolutions referred to the two most important national questions of the time. But although the Lower House of Congress passed a bill to repeal the Resumption Act the Senate failed to do so, and it was not annulled. When the time came for putting it into effect, under direction of Secretary John Sherman, of the United States Treasury, resumption of specie payment was accomplished without incident.

The General Assembly of 1877-1879 was dubbed the "O'Connor Legislature" by its political enemies because of a series of events which occupied a large part of its attention, centering about John O'Connor, a member of the House from Montgomery County. He was at first accused of being a deserter during the war and of having committed perjury in securing his naturalization papers as a citizen of the United States. The republicans in the House were unceasing in their attacks upon him, but without avail until an investigation disclosed that he had, on September 29, 1869, been convicted of larceny in Michigan, that he had served three years in the penitentiary of that state, and that he had never been restored to his rights of citizenship. He was then expelled from the Ohio House of Representatives. All these proceedings were made the subject of long and extremely bitter comment by the press of the state.

One of the greatest sensations of the year 1878 was occasionad by the operations of an organized gang of grave robbers in Ohio. Certain medical colleges were also believed to be involved. At Zanesville three men were arrested for the crime, including a young physician of Columbus. They were convicted and sent to the penitentiary. In other localities there were similar incidents. In May, 1878, the whole state was thrown into a state of horror by the discovery at the Ohio Medical College in Cincinnati of the corpse of J. Scott Harrison, son of the old hero and President of the United States, Gen. William Henry Harrison. He had died very recently, his body placed in a grave in the Congress Grove Cemetery at North Bend. The circumstances were grewsome. One of his younger sons, searching for the body of a friend whose grave was found to have been robbed, unexpectedly found the corpse of his father hanging by its neck in a chute at the medical college in Cincinnati. Benjamin Harrison, of Indianapolis, an elder son, ten years later elected President of the United States, was notified by his brother, and immediately went to Cincinnati for the purpose of having the ghouls brought to justice. On June 1st, from the Grant Hotel in that city, he issued

a public letter to the citizens in which he charged directly that members of the faculty of the college were shielding the men from whom they had purchased the body and had made it impossible for him to learn their identity. A direct result was the passage, later, of laws under which medical colleges could legally obtain subjects for dissection in the necessary demonstrations of anatomy before their students.

Four tickets were placed in nomination for election in 1878—democratic, republican, prohibition and "National Greenback Labor." The last named was a coalition party which former a national organization in convention at Toledo on February 22d. Delegates were present from twenty-eight states. The state convention of this party nominated candidates at Columbus on July 23d. It was largely attended, especially by coal miners of the state. At the election it polled more votes than any third party had ever done since the beginning of the Civil war.

The prohibition party placed a full ticket in the field, as it had done regularly for many years, notwithstanding the very small vote its candidates had always received.

The democratic state convention was held in Columbus on June 26th. Besides nominating its ticket it adopted a platform very largely devoted to condemnation of the financial policy of the republican national administration. The inflation of the currency by issue of greenbacks, the remonetization of silver, the approaching date for the resumption of specie payment under the act of 1875—all these gave rise to questions which were uppermost in the minds of the people, and formed the basis of division between the two major parties. In addition, there was excitement over investigations of the election of 1876 and charges that President Hayes had been illegally declared elected. And there was very pronounced opposition in the republican party itself to the President's policy of reconciliation of the South, as well as disapproval by many leaders of his views as to civil service reform.

These strife-producing questions came prominently to the surface at the republican state convention, which was held in Cincinnati on June 12th. Attempts were made to prevent endorsement of the Hayes administration, and much bitterness was engendered. But the President's critics were overruled and the platform adopted accorded him unequivocal commendation.

The election contest was a sharp one, and unusual efforts were made because no one could estimate the strength of the labor party. Thomas B. Reed, the famous congressman from Maine, made a speaking tour for the republicans, and Dennis Kearney, who had achieved much notoriety as"The Sand Lot Orator of California," campaigned for the laborites. The result was a republican victory by a small plurality over the democrats, but with almost 40,000 votes less than a majority over all. The official vote, as canvassed by the General Assembly in January, 1879, was as follows:

Secretary of State—Milton Barnes, republican, 274,120; David R. Paige, democrat, 270,966; Andrew Roy, national greenback labor, 38,332; Jeremiah N. Robinson, prohibition, 5,682.

Judge of the Supreme Court—William White, 274,337; Alexander F. Hume, 270,839; Chilton A. White, 38,033; William F. Ross, 5,507.

Member Board of Public Works—George Paul, 273,927; Rush H. Field, 271,178; J. R. Fall, 37,926; Delmont Locke, 5,685.

Among the republicans elected to Congress was Gen. J. Warren Keifer, of Springfield. He had first been elected to a seat in the Lower House at Washington two years before. Three years after his present election he became speaker of that body.

The year 1878 was notable for the appearance in practical use of three great devices which were to revolutionize living conditions among the people, and natives of Ohio were the inventors of all of them. On March 1st the newspapers of Ohio noted that "it is proposed to light the capitol and grounds at Washington with electricity." On April 26th

they had much to say about Thomas A. Edison, who was then before the National Academy of Science exhibiting his phonograph and his "carbon telephone," which was a distinct improvement over the transmitter used in the invention of Alexander Graham Bell. Edison sprang into world-wide fame because of these inventions. In 1876 Charles Francis Brush, another Ohioan, perfected his dynamo-electric machine, and the next year produced his electric arc light. These creations of Ohio genius began to come into practical use in 1878, and the people of the state were not slow in availing themselves of the benefits they conferred.

In January, 1879, it was well known that John Sherman and Allen G. Thurman were avowed candidates for nomination for the presidency by their respective parties in 1880. Both of these Ohioans were men of national fame. Sherman had attained great prominence as a United States Senator and as secretary of the treasury during the trying financial difficulties. Thurman was "the noblest Roman of them all" to the democrats of the Nation. Both were destined to bitter disappointment in the great ambition of their lives. James A. Garfield was looked upon as certain to be the next United States Senator from Ohio if the Legislature now to be elected should be republican, but there was no hint connecting his name with the presidency. Gen. Winfield Scott Hancock was one of the last men in the public mind as a presidential possibility. Yet fate decreed that these two men should be the standard bearers of their parties the following year.

The campaign of 1879 was of paramount importance to the leading parties, because it was believed that the result would have a deciding influence upon the political destinies of either Sherman or Thurman. At the republican state convention, held in Cincinnati on May 28th, Charles Foster, congressman from the Fostoria district, was nominated for governor by a very narrow margin over Alphonso Taft, and the democrats, in Columbus on June 4th, nominated Ex-Senator Thomas Ewing. Both were strong candidates, and all the others on both tickets were prominent men of exceptional qualifications. The greenbackers, the prohibitionists, and the socialists also held conventions and nominated tickets, but none of these was of importance.

The campaign was a strenuous and exciting one, participated in by many notable political orators from other states as well as those of Ohio. The total votes numbered 669,157, which was almost 10,000 more than had been cast at the presidential election of 1876. The republicans won by large pluralities, and both branches of the General Assembly were republican, with a total majority of twenty-nine on joint ballot. The stage was set for the election of James A. Garfield as United States Senator at the legislative session of 1880.

ADMINISTRATION OF GOVERNOR CHARLES FOSTER

Sixty-fourth General Assembly

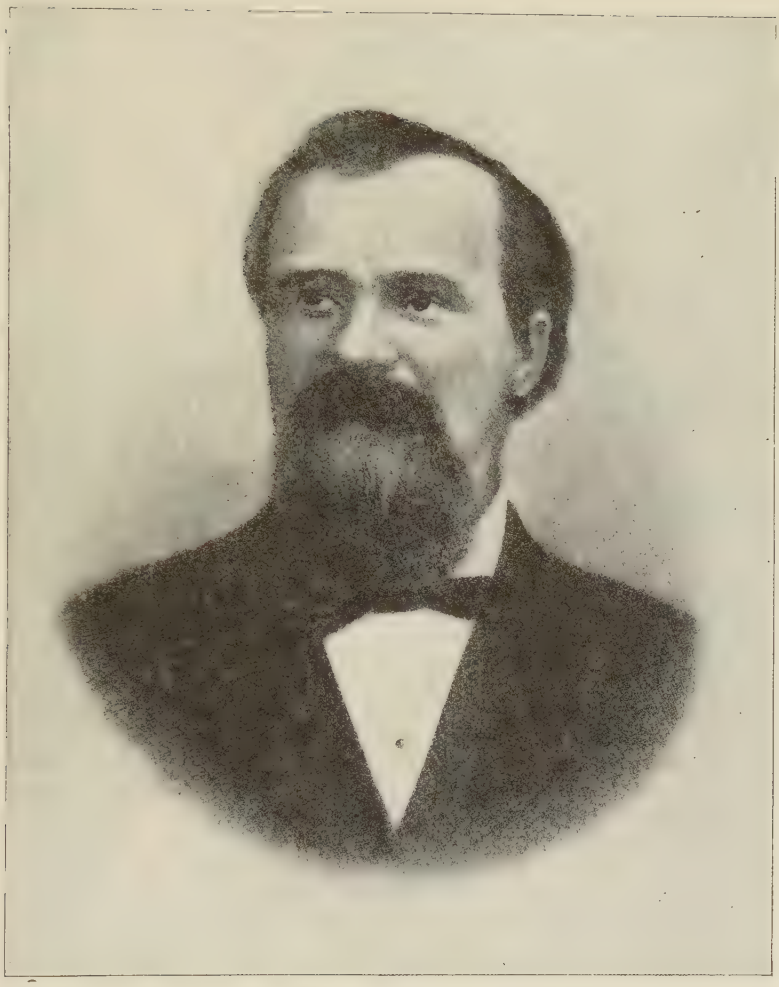
Regular Session, January 4 to April 20, 1880. Adjourned Session, January 5 to April 17, 1881.

The president ex-officio of the Senate was Lieutenant-Governor Andrew Hickenlooper, and Thomas A. Cowgill, of Champaign County, was speaker of the House of Representatives.

The result of the election of October, 1879, was officially declared in joint session, held January 7th, as follows:

Governor—Charles Foster, republican, 336,361; Thomas Ewing, democrat, 319,132; A. Sanders Piatt, national greenback, 9,072; Gideon T. Stewart, prohibitionist, 4,145; John Hood, socialist, 547.

Lieutenant-Governor—Andrew Hickenlooper, republican, 335,140; Americus V. Rice, democrat, 319,542.



CHARLES FOSTER

Governor January 12, 1880—January 14, 1884. Born April 12, 1828; died January 9, 1904. Member Congress; Secretary of the Treasury.

Judge of the Supreme Court—William W. Johnson, republican, 336,009; William J. Gilmore, democrat, 316,994.

Auditor of State—John T. Oglevee, republican, 335,184; Charles Reemelin, democrat, 317,442.

Treasurer of State—Joseph Turney, republican, 335,670; Anthony Howells, democrat, 317,193.

Attorney-General—George K. Nash, republican, 336,100; Isaiah Pillars, democrat, 316,778.

Member of the Board of Public Works—James Fullington, 336,591; Patrick O'Marah, democrat, 315,958.

Governor Foster was fifty-one years old at the time of his inauguration. He was not a professional man. In his boyhood he had occupied an important position in his father's mercantile business at Fostoria, and in his maturer years had achieved business success of high order. He had been a congressman from 1870 to 1878. He served two terms as governor, and in 1891 was named secretary of the treasury by President Benjamin Harrison. His death occurred January 9, 1904.

On January 13, 1880, the General Assembly elected Gen. James A. Garfield United States Senator, for the term to begin March 4, 1881. There had been expectation of a rather sharp contest among the republican members of the Assembly over the choice of a man for the office, as Stanley Matthews, William Dennison and Alphonso Taft all had supporters and all three were ambitious. But it became evident that Garfield would win easily, and at the republican caucus he was nominated without formal opposition. In the joint session of the Assembly he received eighty-six votes, to fifty-eight cast by the democrats for Allen G. Thurman.

Governor Foster was inaugurated on January 12th. Although the weather was very unpropitious there was an immense crowd present and the military parade even excelled that of two years before. In his inaugural address the governor urged the enactment of a law which would provide an advisory board of pardons, to make recommendations to the governor upon all applications for pardon of persons in the penitentiary. This was a reflection of the great dissatisfaction with Governor Bishop in that regard. He had been severely criticized for his liberality in pardoning convicts, a policy that he had carried to the morning of the very day on which he was to pass out of the governor's office.

In the evening of January 14th a brilliant reception was tendered Senator-elect Garfield in the Senate chamber. Addresses were delivered by Governor Foster, Ex-Governor Bishop and General Garfield.

On March 26, 1880, as a result of public agitation over the robbing of graves the previous year, the General Assembly amended the old law on that subject so as to include in its inhibitions instructors in medical colleges. Any such persons operating on or making demonstrations from bodies known to have been taken from graves were subjected to heavy fines and imprisonment. Grave robbers were to be sent to the penitentiary for from one to five years.

At the adjourned session it was provided (by the law of February 19, 1881) that it would be lawful for medical colleges to receive and use the bodies of persons who had died at hospitals, charitable and penal institutions, when such bodies were not claimed for burial by friends or relatives.

On February 26, 1880, the Assembly repealed the act of the previous session establishing a new division of the state into congressional districts and revived the districts as they had been apportioned by the law of 1872.

On April 18, 1881, it was for the first time made unlawful to practice medicine and surgery without diplomas from medical colleges, under penalty of $100 fine for the first offense and thirty days' imprisonment

for the second; but the act did not apply to non-graduate physicians who had been in recognized, reputable and continuous practice for ten years.

The agitation against the liquor traffic, which had been incessant during many years, became more pronounced in 1880. On January 1st a large state "local option" convention was held in Columbus, and following this throughout the session of the General Assembly, a flood of petitions poured in, with tens of thousands of signatures, praying for the passage of a law permitting communities to decide by vote whether the sale of liquors should be permitted within their limits. Much of the time and attention of the legislators was given to this subject and to the whole liquor question. The republicans generally were willing to pass acts in accordance with the requests of the petitioners, but the democratic policy was opposed to "sumptuary laws," and a certain number of other members would not consent to anything short of absolute prohibition. A bill was passed by the Senate levying a graduated tax upon the liquor traffic, but it failed of passage in the House.

By the Federal census of 1880 Ohio still ranked third in population among the states. Her inhabitants now numbered 3,198,062, an increase of 532,802 in the decade since 1870. As to races represented, 3,117,920 were whites, 79,900 were negroes, 109 were Chinese, 3 were Japanese, and 130 were Indians. The foreign-born population was 394,943. The ten most populous cities were: Cincinnati, 255,139; Cleveland, 160,-146; Columbus, 51,647; Toledo, 50,137; Dayton, 38,678; Springfield, 20,730; Zanesville, 18,113; Akron, 16,512; Sandusky, 15,838, and Youngstown, 15,435.

The outstanding event of 1880 in the country, and one which was of peculiar and special interest in Ohio, was the presidential election. Members of both of the great parties were deeply interested in the state conventions that were to name their representatives at the national convention, and incidentally to name tickets as strong as possible for state officials. The republicans, in convention at Columbus on April 28th, unanimously declared for John Sherman for President, and the democrats, on May 6th, also at Columbus, with equal unanimity and with great enthusiasm, adopted a resolution instructing its delegates to vote as a unit for Allen G. Thurman. They named as delegates-at-large to the national convention, Durbin Ward, of Warren County; James B. Steedman, of Lucas; J. H. Wade, of Cuyahoga, and Americus V. Rice, of Putnam.

The republican delegates to the party's national convention were:

At Large—William Dennison, of Franklin County; Warner M. Bateman, of Hamilton; James A. Garfield, of Lake, and Charles Foster, of Seneca.

For the Districts—Benjamin Butterworth, Albert Schwill, Henry Kessler and Charles Fleishman, all of Hamilton County; David W. McClung, of Butler; Andrew R. Creamer, of Fayette; William D. Bickham, of Montgomery; Frank G. Thompson, of Preble; Joseph Morris, of Allen; John W. Conklin, of Mercer; J. M. Richie, of Lucas; W. W. Touvelle, of Fulton; Marcus Boggs, of Ross; Alphonso Hart, of Highland; Calvin B. Wright, of Miami; John F. Gowey, of Champaign; William C. Cooper, of Knox; Amos Glover, of Delaware; Isaac F. Mack, of Erie; David M. Harkness, of Huron; William Nash, of Gallia; Daniel Willetts, of Vinton; Francis C. Sessions, of Franklin; John Groce, of Pickaway; Jerome Buckingham, of Licking; Albert W. Train, of Muskingum; Henry C. Hedges, of Richland; S. D. Hunt, of Wyandot; Rodney M. Stimson, of Washington; John L. Dougherty, of Monroe; J. S. Pierce, of Harrison; Joseph D. Taylor, of Guernsey; John H. Tripp, of Carroll; Asahel W. Jones, of Mahoning; W. H. Williams, of Medina; L. A. Sheldon, of Lorain; Evan Morris, of Trumbull; John C. Beatty, of Portage; Sylvester T. Everett and James Barnett, of Cuyahoga.

The candidates for President before the republican national conven-

tion at Chicago, in the order of their presentation, were: James G. Blaine, of Maine; William Windom, of Minnesota; Ulysses S. Grant, "of Appomatox" (as designated in the eloquent address of Roscoe Conkling in presenting his name) John Sherman, of Ohio; George F. Edmunds, of Vermont, and Elihu B. Washburne, of Illinois. It was Garfield who addressed the convention on behalf of Sherman.

Balloting began on Monday, June 7th, the fifth day of the convention. On the first ballot the Ohio delegation gave Sherman thirty-four votes, Blaine nine, and Edmunds one. Sherman votes came from sixteen other states, the total of all being ninety-three. Grant received 304; Blaine, 284; Edmunds, 34; Washburne, 30, and Windom, 10. On the second ballot Garfield was given one vote; on the sixth he received two, and for thirty-two ballots thereafter these two votes were recorded for him consistently; they came from Pennsylvania. On the thirty-fourth ballot Wisconsin unexpectedly cast seventeen votes for Garfield, and on the thirty-fifth he had an accession of thirty-three more. The totals then stood: Grant, 313; Blaine, 257; Sherman, 99; Garfield, 50; Washburne, 23; Edmunds, 11; Windom, 3.

At this point General Garfield arose to protest against the votes being recorded for him, on the ground that no man had the right to announce his name or to vote for him without his consent, which he had not given and could not give; but he was declared out of order by the chairman of the convention, Senator George F. Hoar, of Massachusetts. On the next ballot several other states cast their votes for Garfield, and when Ohio was called Chairman Butterworth electrified the great throng by announcing forty-three votes for him. (This act was afterwards justified by the reading of a telegram received from Senator Sherman appealing to the Ohio delegation to vote for Garfield as soon as it should become apparent that such a course would assure his nomination.) On the final ballot General Garfield received 399 votes, a majority; Grant, 306; Blaine, 42; Washburne, 5, and Sherman, 3. Senator Conkling, who had held Grant's grim phalanx of 306 steady through the long continued balloting, in a graceful speech moved that Garfield's nomination be made unanimous, and the motion was carried.

The scenes thus enacted were dramatic in the extreme. Excitement rose to a frenzy. Garfield was all but smothered by the crowds which surged about him at the convention hall, in the streets of Chicago, and at his quarters in the Grand Pacific Hotel.

Chester A. Arthur, of New York, was nominated on the first ballot for Vice President, over six competitors.

The democratic national convention was held at Cincinnati on Tuesday, June 22d. John Stevenson, of Kentucky, was the permanent chairman. Turmoil was occasioned by the exclusion of the Tammany delegation from New York because of its declaration that it would not support Samuel J. Tilden if he were nominated. The candidates presented for the presidential nomination were: Stephen J. Field, of California; Thomas F. Bayard, of Delaware; William R. Morrison, of Illinois; Thomas A. Hendricks, of Indiana; Allen G. Thurman, of Ohio, and Winfield Scott Hancock, of Pennsylvania. Votes were also cast on the first ballot for twelve others, but they were not really candidates. Hancock was nominated on the second ballot, after a recall of the states. He received 705 votes; Hendricks, 30; Bayard, 2, and Tilden, 1. Senator Thurman was given 68½ votes on the first ballot, of which 44 were cast by the Ohio delegation. On the second ballot, before the stampede to Hancock and the recall of the states, he received 50.

Ex-Governor Bishop's name was formally presented for nomination for Vice President, but it was withdrawn before the voting began, and William H. English, of Indiana, was unanimously selected as General Hancock's running mate.

Meanwhile, both the leading parties in Ohio had nominated tickets for the state offices, as had also the greenbackers and the prohibitionists.

But all state candidates were practically lost sight of by the public in the larger interest in the campaign for the presidency. There was no doubt as to the result in Ohio, but many famous men from other states were imported to make campaign speeches, as it was important on each side to elect as many congressmen as possible and to make a good showing in the vote for state officers. The republican state ticket was successful in October by more than 20,000 plurality. In November the vote for President was as follows: James A. Garfield, republican, 375,048; Winfield S. Hancock, democrat, 340,821; James B. Weaver, greenback, 6,456; Neal Dow, prohibition, 2,616. Garfield's plurality, 34,227.

At the adjourned session of the General Assembly in January, 1881, the official vote on state officers was declared as follows:

Secretary of State—Charles Townsend, republican, 362,021; William Lang, democrat, 343,016; Charles A. Lloyd, greenback, 6,786; William H. Doan, prohibition, 2,815.

Judge of the Supreme Court—George W. McIlvaine, republican, 364,045; Martin D. Follett, democrat, 340,998.

Clerk of the Supreme Court—Dwight Crowell, republican, 364,225; Richard J. Fanning, democrat, 340,870.

Commissioner of Common Schools—Daniel F. DeWolf, republican, 363,887; James J. Burns, democrat, 341,204.

Member Board of Public Works—Stephen R. Hosmer, republican, 364,053; William J. Jackson, democrat, 341,001.

Fifteen of the twenty congressional districts were carried by the republicans.

As General Garfield had renounced his election as United States Senator, because he was to become the President, it was incumbent upon the General Assembly to choose another man. The republican caucus named John Sherman by acclamation, and on January 18, 1881, he was elected over Allen G. Thurman by a vote of twenty to twelve in the Senate, and of sixty-four to forty in the House.

Shortly after President Garfield was inaugurated, March 4, 1881, dissension and discord appeared in the republican party. Senator Roscoe Conkling, of New York, who, although he had campaigned for Garfield's election, was not friendly to him, attempted to dictate to the President in a way that was far from agreeable to him. A complete rupture resulted. Conkling resigned his senatorship and sought reelection as a vindication of his course, but in this he failed. Acrimonious feeling marked the period, and relations between republican leaders and their followers became very much strained.

Then came the assassination of President Garfield. As he and his secretary of state, James G. Blaine, were standing in the station of the Baltimore & Potomac Railroad in Washington on the morning of Saturday, July 2, the President preparing to leave the city, Charles Jules Guiteau, of Chicago, fired two shots into his body. He lay at the White House for two months while eminent physicians did all in their power to save his life. Then he was removed (September 6th) to the sea coast, at Elberon, New Jersey, and there he died at 10:52 P. M. of September 19th. The country was plunged into grief, and at all foreign capitals the most poignant regret was expressed. On September 26th the remains of the President were entombed in Lake View Cemetery in Cleveland, after a series of extraordinarily solemn services at Washington and Cleveland, participated in by the highest officials of the Nation and by some of the most eloquent orators of the time. Later an imposing memorial was erected in the cemetery, in the crypt of which lie the mortal remains of James A. Garfield.

On June 28, 1881, an Ohio River tragedy aroused the people to renew complaints upon an old subject—the loss of life caused by reckless steamboat racing. There had been, through the years, many appalling accidents of this kind lower down the river and on the Mis-

sissippi, but the one at this time occurred at the very door of the state. The Phaeton and the Handy, two swift boats which were rivals as to speed, left Maysville, Kentucky, together, one bound for Vanceburg and the other for Portsmouth. They at once entered into a race, and within half an hour the boiler of the Phaeton exploded under the strain put upon it, "throwing the passengers, timbers and freight all over the river," as reported in the press. Many lives were lost, and there was intense public condemnation of the officers of the two boats. It was the opinion of many editors that they should be hanged, but there was no record of such a termination of the incident.

On November 20th the unusual event of a lynching in Ohio occurred at Athens. Some time before that date one Chris Davis, a negro, had committed an offense against an elderly white woman at Albany, Athens County. He had been transferred to the Chillicothe jail for safekeeping, but was returned to Athens for trial. The next night a mob broke open the Athens jail, took him out and hanged him to the Hocking Bridge. The members of the mob were all masked, and they were never apprehended or punished.

The campaign and election of 1881 were without special incident. The republicans, at Cleveland on June 8th, renominated Governor Foster by acclamation, and several of the other state officials were also named without opposition. The democrats held their convention in Columbus on July 13th, and decided upon a ticket headed by John W. Bookwalter, a Springfield manufacturer of great prominence. The republicans won by pluralities ranging from 20,000 to 29,000, and they elected two-thirds of the members of both the House and Senate.

Sixty-Fifth General Assembly

Regular Session, January 2 to April 17, 1882. Adjourned Session, January 2 to April 19, 1883.

The president ex-officio of the Senate during the two sessions of this General Assembly was Lieutenant-Governor R. G. Richards. Orlando J. Hodge, of Cuyahoga County, was elected speaker of the House of Representatives. As the vote in the Senate stood at twenty-two republicans to eleven democrats, and that in the House at seventy republicans to thirty-five democrats, the organization of clerks and sergeants-at-arms was republican throughout.

On January 4, 1882, the official canvass of the election held the previous October was made in the presence of a joint session of the two Houses, as follows:

Governor—Charles Foster, republican, 312,735; John W. Bookwalter, democrat, 288,426; Abraham R. Ludlow, prohibition, 16,597; John Seitz, greenback, 6,380. Foster's plurality, 24,309.

Lieutenant-Governor—Rees G. Richards, republican, 314,100; Edgar M. Johnson, democrat, 288,266.

Judge of the Supreme Court—Nicholas Longworth, republican, 316,005; Edward F. Bingham, democrat, 286,650.

Attorney-General—George K. Nash, republican, 315,655; Frank C. Daugherty, democrat, 287,470.

Treasurer of State—Joseph Turney, republican, 316,232; Alonzo P. Winslow, democrat, 286,591.

Member Board of Public Works—George Paul, republican, 315,459; John Crowe, democrat, 287,645.

A considerable part of the work of this Assembly, at both sessions, consisted of the amending of the code of existing laws. On January 4, 1882, a joint resolution was adopted looking to the creation of a statue of James A. Garfield and presentation of it to Congress, to be placed in the old hall of the House of Representatives in the capitol at Washington, which had been converted into a statuary hall in which the several states were allowed to be represented by statues of one or two of the

distinguished sons of each. On April 11, 1882, the Assembly, having had a report from a special committee on the matter, appropriated $10,000 for the statue, and appointed a commission headed by the governor to have in charge the details of its production. They employed Charles Niehaus, a celebrated sculptor of Cincinnati, to design the statue, and it is now a conspicuous object in the hall for which it was made, standing among similar works of art contributed by other states from time to time.

This General Assembly redistricted the state for congressional elections. Under the census of 1880 and the new apportioning made by Congress, Ohio was now entitled to twenty-one members, an increase of one over the number allowed during the previous ten years.

The Assembly's session of 1882 was chiefly distinguished by a decided, definite, step taken in the matter of temperance legislation. Two bills were passed upon the subject. The first of these, popularly known as the "Pond Law," was enacted April 5, 1882. It levied an assessment of $100 on each saloon not in or within a mile of any village or city; $150 upon those in or within a mile of any village or town of less than 2,000 inhabitants; $200 upon those in or near towns of less than 10,000 inhabitants; $250 upon those in or near cities of more than 10,000, and $300 on those in the largest city—Cincinnati. Under the law the liquor dealers were required to execute a bond of $1,000 to the state to secure payment of the assessments. Severe penalties were imposed for doing business without executing this bond.

The second act referred to, known as the "Smith Law," prohibited the sale of liquors on Sunday, under heavy fine for violation.

The passage of these two laws immediately precipitated a violent contest between the temperance and anti-temperance factions of the people. There was a distinct party division also—the democrats officially condemning, and the republicans formally approving them. Under the action of the Pond law many saloons closed their doors. A large proportion of the liquor dealers defied the Smith law by keeping their places open on Sunday, and in many localities they did so with the connivance of the authorities, who made no pretense of enforcing the law. There was great turmoil in Cincinnati especially, where it was found practically impossible to stop Sunday selling. The liquor dealers of the state made early preparation to test the constitutionality of the Pond law, and on May 30th the Supreme Court annulled it, as in effect establishing a system of license, which was expressly forbidden by the constitution of the state. But the republicans, who had been responsible for it, did not in the least recede from their position in the matter, and at the adjourned session of the Assembly (on April 17, 1883) they passed the "Scott Law," which was intended to accomplish the same result as the one which had been declared unconstitutional. It placed a uniform assessment of $200 on all saloons at which ardent spirits were sold, and of $100 on those where only malt liquors were to be had. The bond feature, to which the Supreme Court had objected, was eliminated, and the owners of premises where saloons were located were to be held responsible for payment of the assessments. This was also held unconstitutional by the Supreme Court in all cases where leases of premises had been made before the law went into effect.

On July 4th of the year 1882 another deplorable Ohio River disaster occurred. The Scioto and the John Loomis, crowded with hundreds of holiday pleasure seekers, collided near Mingo Junction. The Scioto sank within three minutes and a large number of the excursionists aboard her were drowned. Investigation showed that the cause was a misunderstanding between the two pilots as to which had the right to the "channel." Southeastern Ohio was in deep gloom for many days.

On June 7, 1882, the republican state convention met in Columbus, and was presided over by Robert P. Kennedy, of Bellefontaine, who four years later, as lieutenant-governor and president of the Senate, was

the central figure in a political clash notable in the legislative history of Ohio. At the convention addresses were made on the temperance issue by Governor Foster, Judge William H. West, the "blind man eloquent," and other prominent party leaders, and much enthusiasm was in evidence. The platform adopted highly endorsed Governor Foster's administration, declared that the state constitution ought to be amended so that the liquor traffic could be taxed and regulated by the General Assembly, and upheld enforcement of the Sunday closing law. Secretary of State Townsend was renominated, and the other candidates for election were named without contention.

The democrats convened on July 20th, also at Columbus. George H. Pendleton was chairman. There were many candidates for all the offices to be filled, and several ballots were necessary on each to make the nominations. The platform opposed laws for regulation of the sale of liquors in the following plank:

"The Democratic party has always maintained and still steadfastly adheres to the doctrine of the largest liberty consistent with the public welfare, and is opposed to legislation merely sumptuary."

The liquor issue was thus clearly drawn between the two parties, and the campaign was fought out upon it almost to the exclusion of every other. The prohibitionists and the greenbackers placed candidates before the voters, as usual. The election resulted in a complete democratic victory by pluralities of from 16,000 to 19,000. The republicans also lost several congressmen, the democrats electing thirteen of the twenty-one. Of the republicans who were elected, William McKinley received a majority of only eight votes, Alphonso Hart of only ten, and Henry L. Morey of only forty-one. The last named defeated a man afterwards one of the most distinguished in the state—James E. Campbell.

The official canvass on the election of state officers, made at the joint session of the Assembly the following January, showed the following:

Secretary of State—James W. Newman, democrat, 316,874; Charles Townsend, republican, 297,759; Ferdinand Schumacher, prohibition, 12, 202; George L. Hafer, greenback, 5,345.

Judge of the Supreme Court—John W. Okey, democrat, 315,753; John H. Doyle, republican, 299,389.

Member Board of Public Works—Henry Weible, democrat, 315,-358; Charles A. Flickinger, republican, 299,633.

The General Assembly by resolution of April 4, 1883, submitted two amendments to the constitution on the temperance question, to be voted upon by the people at the next October election. One of these proposals, intended to remove constitutional obstacles to placing regulation and taxing the traffic in the hands of the Legislature, was as follows:

"The general assembly shall regulate the traffic in intoxicating liquors so as to provide against evils resulting therefrom; and its power to levy taxes or assessments thereon is not limited by any provision of this constitution."

The other amendment would provide absolute prohibition, its language being as follows:

"The manufacture of and the traffic in intoxicating liquors to be used as a beverage are forever prohibited; and the general assembly shall provide by law for the enforcement of this provision."

On April 17, 1883, appropriation of $1,000 was made by the Assembly for the erection of a memorial monument at Urbana over the grave of Gen. Simon Kenton, the renowned pioneer and Indian fighter, who had died near Bellefontaine on April 29, 1836, at the age of eighty-one years. He had been buried there, and in 1854 the Legislature had made

provision for placing a monument, which, however, had never been erected. In 1865 his body had been transferred to "Kenton Square" in Oakdale Cemetery, Urbana, and the act of 1883 revived the plan for the monument. A commission of five men was appointed to carry out the project, and they made such rapid progress that in 1884 the work was entirely completed and the memorial dedicated. The world-famed sculptor, J. Q. A. Ward, who was a native of Urbana, made the design free of charge for his service. Gen. J. Warren Keifer, who, as a member of the commission, delivered the address on the occasion of the dedication, thus estimated Kenton's place in the history of Ohio: "A long life of hardy adventures, with unexampled courage and devoted patriotism in the cause of his country, justly stamp him as illustrious."

In February, 1883, the Ohio River rose to a height never before known. In Marietta hundreds of people were driven from their homes, there was much distress and suffering, and great damage was done to property. But much more serious loss was caused by the flood at Cincinnati. The railroad stations, the water and gas works were covered by water to a depth of many feet. The whole city was plunged into darkness, and but for a very limited supply in reservoirs, it would have been entirely without water. More than 2,500 persons were rendered homeless and destitute, necessitating measures for redistributing relief which was promptly forwarded from other parts of the state. In February of the following year, 1884, the river rose many feet higher even than in 1883, and the damage by flood was enormous. Several lives were lost. A relief committee of the Chamber of Commerce was provided with great sums of money sent from all parts of the Nation. One of the unusual and interesting events incident to the time was a great concert at Music Hall, given gratuitously by a number of famous artists who were there for a music festival. The performance was given by candle light, since the gas works were entirely out of commission, and it realized $6,170.14 for the relief fund.

Senator John Sherman was president of the republican state convention of 1883, held in Columbus on June 5th. The platform promulgated, notwithstanding the republican defeat of the year before had been caused, in the general opinion, by the party's stand on the liquor question, squarely commended the General Assembly for its act in submitting the constitutional amendments on the subject, and directly espoused the cause opposed to the untrammelled traffic in intoxicants. Its candidate for governor, named by acclamation, was Joseph B. Foraker, of Cincinnati, who now made his first entrance upon the political stage of Ohio, and who was to occupy a place of eminence for many years thereafter.

The democrats, at Columbus on June 20th, named the distinguished lawyer, George Hoadley, for governor. Its platform reiterated its policy against sumptuary legislation, but made no mention of the constitutional amendments then before the voters. The campaign was conducted largely upon the liquor regulation issue, and the democrats won, as they had done the year before. The vote on the amendment empowering the Legislature to tax the liquor traffic was: Yes, 99,849; no, 192,117; not voting, 429,244. As those who voted on the candidates but did not vote on the amendment were counted as against it, the adverse majority was 621,461.

On the straight out prohibition amendment the official vote was: Yes, 323,189; no, 240,975; not voting, 157,146. Thus, although the favorable votes outnumbered those unfavorable by 82,214, the counting against it of those who did not vote at all on the measure, defeated its adoption by 74,932. The result of the vote on this amendment, however, revealed a decided trend toward absolute prohibition. The temperance people began to see the advantage of waging a non-partisan war against the traffic. Under the present provision for amending the state constitution, Ohio would have "gone dry" in 1883.

ADMINISTRATION OF GOVERNOR GEORGE HOADLY

Sixty-sixth General Assembly

Regular Session, January 7 to April 14, 1884; Adjourned Session, January 6 to May 4, 1885

John G. Warwick was the lieutenant governor and ex-officio president of the Senate. Archelaus D. Marsh, of Mercer County, was speaker of the House. As the democrats had majorities of eleven in the Senate and fifteen in the House, the organizations in both were democratic. The clerk of the Senate was Charles N. Vallandigham, son of the noted Clement L. Vallandigham, who had been so conspicuous in the state during war times.

The canvass of the vote cast for state officers at the previous election disclosed the following official figures:

Governor—George Hoadly, democrat, 359,693; Joseph B. Foraker, republican, 347,164; Ferdinand Schumacher, prohibition, 8,362; Charles Jenkins, greenback, 2,937. Hoadly's plurality, 12,529.

Lieutenant Governor—John G. Warwick, democrat, 356,413; William G. Rose, republican, 350,009.

Judge of the Supreme Court, full term—Selwyn N. Owen, democrat, 360,295; John H. Doyle, republican, 347,091.

Judge of the Supreme Court, to fill vacancy—Martin D. Follett, democrat, 360,486; William H. Upson, republican, 346,615.

Clerk of Supreme Court—John W. Cruikshank, democrat, 360,179; Dwight Crowell, republican, 347,005.

Attorney General—James Lawrence, democrat, 360,184; Moses B. Earnhart, republican, 347,589.

Auditor of State—Emil Kiesewetter, democrat, 360,319; John F. Ogilvee, republican, 346,923.

Treasurer of State—Peter Brady, democrat, 359,847; John C. Brown, republican, 348,399.

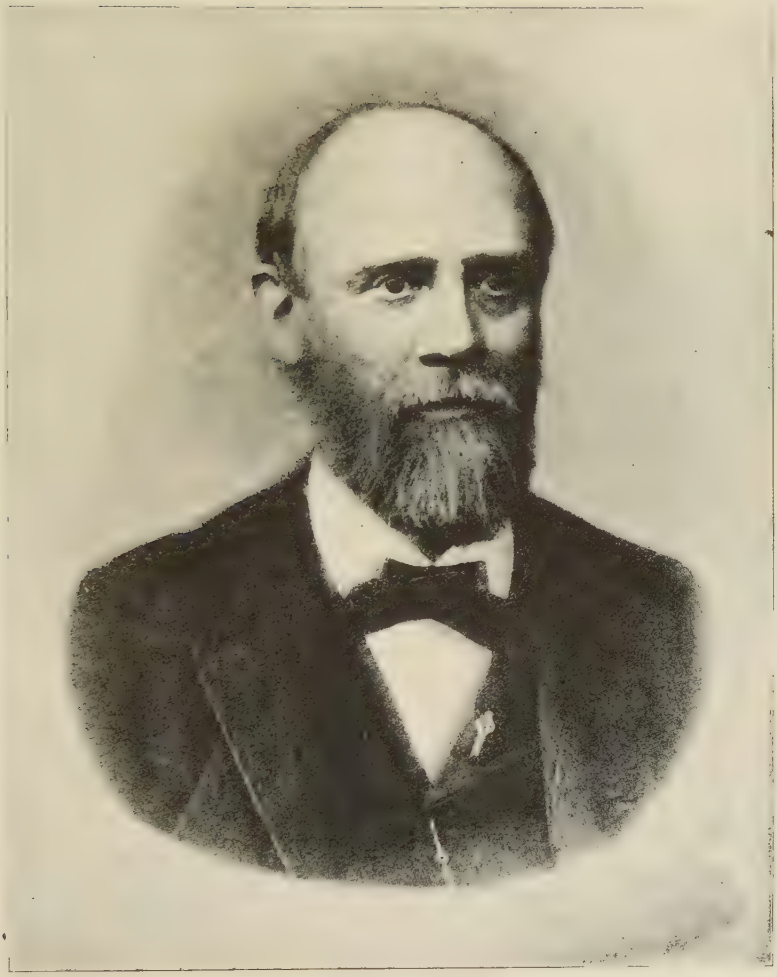
Commissioner of Common Schools—LeRoy D. Brown, democrat, 359,679; Daniel F. De Wolf, republican, 347,095.

Member Board of Public Works—John P. Martin, democrat, 360,-707; Leo Weltz, republican, 346,856.

Governor Hoadly was inaugurated on Monday, January 14, 1884, in the rotunda of the state house. There was no military display and no escort except that of democrat clubs. There was an unusual attendance of prominent democrats from all parts of the state, attracted by the induction into office of a democratic administration, but more particularly by reason of a fierce struggle over the election of a democratic United States Senator to succeed George H. Pendleton, whose term was about to expire. The candidates were Pendleton himself, Durbin Ward of Warren County, and Henry B. Payne of Cuyahoga. Direct charges of corruption were made, and there was much excitement, but the caucus of the majority decided on Payne, and he was elected on January 15. The republican minority voted blank. Later, attempts were made to prevent Payne from retaining his seat and formal charges of bribery in his election were made, but the Senate Committee on Privileges and Elections reported against taking any action in the matter. Senator Payne served the full term of six years from March 4, 1885, to March 4, 1891. He died at Cleveland five years later.

On March 20, 1884, this General Assembly enacted a law establishing legal rights of married women. Under it they could sue and be sued as could unmarried women, they were entitled to homestead exemption, they could acquire, own and sell their own real estate. This reform had been agitated many years by the women, whose property had been entirely out of their own control.

A new division of the state into congressional districts was made, as had been done many times before when the political complexion of



George Hoadly

Governor January 14, 1884—January 11, 1886. Born July 31, 1826; died August 27, 1902. City solicitor and judge Superior Court, Cincinnati.

the General Assembly changed. The new districts were expected to elect fifteen democratic congressmen.

On March 5, 1884, the Assembly adopted a joint resolution which led to an event of almost national interest. It was a formal request that the United States Navy Department send a war vessel to Constantinople to convey to the United States the body of J. A. McGahan, who before his death had been a war correspondent of international reputation. He was a native of New Lexington, Perry County, Ohio, and had died in 1878 at Constantinople, after a series of extraordinary experiences as a correspondent of the London *Daily News*. He was regarded throughout Europe and America as the "Liberator of Bulgaria" because of his graphic descriptions of conditions in that country under Turkish rule. As a result of the action taken by the General Assembly of Ohio, McGahan's body was brought to New York in a United States war vessel, was there received with unusual official ceremonies, and lay in state in the City Hall on August 21, 1884, with a guard of honor. On August 27 the remains were placed in the rotunda of the capitol at Columbus, on which occasion Governor Hoadly delivered an eloquent tribute to the dead journalist. On September 11 interment of the remains was made in the cemetery at New Lexington, where they lie under a fine monument.

On April 14, 1884, the General Assembly passed a special appropriation act to pay $70,000, the cost of the Ohio militia regiments "at the late Cincinnati riots." This referred to an event which was the most alarming and destructive exhibition of mob spirit ever known in the State of Ohio. It had its origin in a righteous public indignation over lax administration of justice in the Cincinnati courts, which had prevailed for some time and now reached its climax. An atrocious murder had been committed, which doubtless deserved the extreme penalty of the law upon its perpetrators. But the first one of them who came to trial, a young German named Bender, had been convicted of only manslaughter. On the night of March 28, a great mass meeting in Music Hall adopted resolutions of protest and condemnation of what was regarded as corruption in the courts. This action provided an excuse for thousands of men of the lowest classes to make an assault, the same night, upon the county courthouse with the intention of hanging Bender. He had already been started on the way to the penitentiary, but the turbulent mob, finding itself in complete control, ran rampant. A Cincinnati militia regiment had been called out, and after a fierce struggle had dispersed the crowd by morning. But it later re-formed, and a dense throng of ruffians surged about the jail throughout the day. At night they completely destroyed the jail and were ready to proceed against other county structures. The Fourteenth Regiment, from Columbus, arrived at ten o'clock and a battle immediately ensued. The determined stand and deadly fire of the soldiers quelled the rioting and the disturbance terminated the next day. But the property loss had been millions, more than fifty persons had been killed, and many hundreds were wounded.

This Assembly instituted an important addition to the penal system of the state. On April 14, 1884, it passed an act for the establishment of an intermediate penitentiary, in which were to be incarcerated those convicted persons who had not been previously sentenced to a penitentiary in this or any other state. The governor was authorized by the act to appoint a board of managers of three members, to determine upon a site and to prepare plans for the buildings; also to adopt a code of rules for its government. It was intended to apply to young men not criminally vicious, and the discipline was to be for the reformation rather than the punishment of prisoners. The board appointed under this law, after consideration for more than a year, decided upon Mansfield for the site, and it was there that a splendid institution was erected on a thirty-acre tract of land. The corner stone was laid on

November 4, 1885, and on September 15, 1896, the doors were opened to the first inmates—150 prisoners transferred from the state penitentiary at Columbus. This place, now known as the Ohio State Reformatory, is a model of its kind, where young prisoners work part of their time, are educated in useful knowledge, and trained to be self-sustaining, good citizens.

As has been previously stated, the Ohio River flood of 1884 greatly surpassed the disastrous rise of 1883. Tremendous damage, and some loss of life, were inflicted at other points besides those along the river—Massillon, Warren, Canton, Youngstown, New Philadelphia, Coshocton, Zanesville, Chillicothe, Athens, Greenfield, Logan, Dayton and Columbus, but Steubenville, Belpre, Pomeroy, Gallipolis, and especially Cincinnati, suffered in a far greater degree. An epitome of the situation, from day to day, is found in the headlines of the newspapers of February 7 and the ten succeeding days:

February 7—"A booming river; ten miles of the city front swept by raging waters; exodus of families and property to the higher levels."

February 8—"Twenty thousand homeless at Pittsburgh and ten thousand at Wheeling; immense damage done at Logan; the Scioto out of its banks, and hundreds upon hundreds of dwellings in the grasp of the remorseless element."

February 9—"The raging waters mounting slowly but surely; stage of water 62 feet, 2½ inches."

February 10—"Destruction increases as the swell approaches; water 64 feet, 4 inches."

February 11—"The deluge growing in volume with every moment; the fearful plunge of a pleasure party to a death in the awful waste; Cincinnati spends a night in utter darkness; strictest economy in the use of water is demanded; water 65 feet, 5½ inches."

February 12—"67 feet, 2½ inches, and the awful addition goes steadily on; hungry and shivering thousands appealing for food and clothing."

February 13—"Ruin and desolation sweeping through the valley; a hundred cities at the mercy of merciless waves; millions and millions of dollars worth of property totally destroyed; fifty thousand people destitute and starving in the Gallipolis district; water 69 feet, 2 inches."

February 14—"Still rising; the river now climbing the second bluff; houses tumbling in the Queen City and swept into the never ceasing current; every wholesale street in Cincinnati navigable for boats from end to end; over two hundred buildings in Lawrenceburg destroyed; water 70 feet, 9½ inches."

February 15—"71 feet, ¾ inch, but now falling, and a million people praise God."

February 16—"A human sacrifice offered to the receding waters; ten victims buried under a falling building; water 69 feet."

The charity organizations had been vigorously active, and by February 20 they were able to care for all hungry people. Hundreds of thousands of dollars had been pouring in from every part of the nation.

On April 28, 1884, a devastating cyclone ruined the town of Jamestown, near Xenia. One hundred buildings were totally destroyed, according to the reports in the newspapers, and 200 others were badly damaged. Five persons lost their lives and a dozen or more were badly injured.

At Lake Park Station, two miles north of Canton, a railroad wreck occurred on July 19, 1884, in which many lives were lost. The employes of the Aultman Agricultural Works with their families—2,000 in all—had enjoyed an outing at Cuyahoga Falls, and while returning home in the evening one of the two trains containing them was thrown into a deep ditch.

In the year 1884, for the first time since 1855, every elective officer in the state house was a democrat, with the exception of two judges on the Supreme bench and one member of the Board of Public Works. This situation, combined with the fact that another president was to be elected, made the campaign of 1884 a highly important one. It was, in fact, the most bitterly fought political contest which had occurred since the "Log Cabin" campaign of 1840. The republican state convention was held on April 23 in Cleveland. Its business was to nominate its list of candidates for state officers, elect four delegates-at-large to the party's national convention, and select two electors-at-large for president. William McKinley, who had been unseated by a democratic majority in Congress, was permanent chairman of the state convention, and William H. Taft, then twenty-six years old and unknown to fame except as the son of Alphonso Taft, minister of the United States to Russia, was one of the vice presidents. It is unlikely that any delegate there dreamed that he would become secretary of war, President of the United States, and chief justice of the Supreme Court of the nation. The delegates-at-large to the national convention designated by the convention were Joseph B. Foraker of Cincinnati, William McKinley of Canton, Marcus A. Hanna of Cleveland, and William H. West of Bellefontaine. The presidential electors-at-large named were John Beatty of Franklin County and James M. Comley of Lucas, who had been United States minister to Hawaii.

At Columbus, on June 18, the democratic state convention was presided over by E. B. Finley of Bucyrus. Four distinguished men were elected as delegates-at-large to the national convention—ex-Senator Allen G. Thurman, Governor George Hoadly, John R. McLean, owner of the *Cincinnati Enquirer,* and Durbin Ward of Lebanon. Governor Hoadly was substituted for Jacob Mueller of Cleveland, who was first named, but declined. State conventions were also held by the prohibitionists and the greenback-labor anti-monopoly party. Both named candidates for state officers and delegates to their national conventions.

At the National Republican Convention of 1884, held in Chicago the first week in June, Ohio was represented by the four delegates-at-large already mentioned and by the following from the several districts: Benjamin Eggleston, William B. Smith, Amor Smith, Jr., and Charles Fleischmann, all of Cincinnati; Henry L. Morey of Hamilton, M. J. W. Holter of Batavia, Samuel Craighead of Dayton, A. R. Byrkett of Troy, James S. Robinson of Kenton, Joseph Morris of Lima, Albert M. Pratt of Bryan, J. N. High of Napoleon, Robert W. McMahan of Bowling Green, Oscar T. Martin of Springfield, George M. Eichelberger of Urbana, Thomas E. Duncan of Mount Gilead, John F. Locke of London, C. L. Luce of Toledo, John B. Rice of Fremont, Alphonso Hart of Hillsboro, Charles W. Boyd of Levanna, Orin B. Gould of Portsmouth, H. S. Bundy of Wellston, Clinton D. Firestone of Columbus, Charles E. Groce of Circleville, William I. Shriver of New Lexington, Austin W. Vorhes of Pomeroy, Henry Clay VanVorhes of Zanesville, Edwin L. Lybarger of Spring Mountain, Elizur G. Johnson of Elyria, W. L. Sewell of Mansfield, Charles H. Batzell of Bellaire, M. R. Patterson of Cambridge, C. H. Andrews of Youngstown, William Monaghan of Lisbon, Elbert L. Lampson of Jefferson, Julius O. Converse of Chardon, Arthur L. Conger of Akron, Timothy G. Loomis of Lodi, A. C. Hord and Edwin G. Cowles of Cleveland. Joseph B. Foraker was made chairman of the delegation, and William McKinley was selected as Ohio's member of the Committee on Resolutions.

The chairman of the Republican National Convention was Benjamin F. Jones of Pennsylvania. The platform was largely written by William McKinley, and as chairman of the Resolutions Committee he read it. It was adopted with enthusiasm and without debate. Foraker placed

before the convention the name of John Sherman for president, and Judge West of the Ohio delegation presented the name of James G. Blaine of Maine. Thus at the outset it was known that the Ohio delegates were not all behind Sherman. The other candidates formally presented to the convention were Augustus Brandegee of Connecticut, John A. Logan of Illinois, Chester A. Arthur of New York, and George F. Edmunds of Vermont.

Four ballots were necessary to arrive at a choice. On the first Ohio cast twenty-five votes for Sherman and twenty-one for Blaine. On the second twenty-three for Sherman and the same number for Blaine. Blaine received twenty-five Ohio votes on the third ballot, Sherman twenty-one. On the fourth ballot Foraker withdrew Sherman's name and cast the entire vote of the state for Blaine, who received 544 votes as against 276 for all the other candidates combined. Gen. John A. Logan was nominated for vice president on the first ballot, by a practically unanimous vote.

The Democratic National Convention was held at Chicago on July 8. William F. Vilas of Wisconsin was the permanent chairman. Two Ohio democrats were formally presented for the presidential nominnation—Allen G. Thurman and George Hoadly. On the first ballot Thurman was given eighty-eight votes and Hoadly three. Grover Cleveland of New York received 392 votes on the first ballot and 683 on the second. He was then named unanimously, and Thomas A. Hendricks of Indiana was made the nominee for vice president.

The campaign was fought very largely on the issue of a protective tariff. Blaine's was the greatest name before the American people, as it had been for years, and Cleveland was not much known except in the State of New York. The republicans were supremely confident, and were literally stunned when their candidate was defeated. The democratic majority in New York was but 1,047, but the Empire State, with the South and a very few northern states, gave Cleveland a total of 219 electoral votes, to 182 for Blaine. Had a few more votes in New York been cast for the republican cause, Blaine would have been successful in achieving the great ambition of his life. His narrow loss in New York was attributed to three causes: (1) A political speech by a republican speaker in New York City in which democracy was defined as "Rum, Romanism and Rebellion," which alienated many Roman Catholics; (2) election frauds in New York City, charged to Tammany Hall; (3) the bitter enmity of Roscoe Conkling, well known throughout the country, and which was responsible for a change of 4,000 votes in his own county, Oneida, including the City of Utica.

The vote in Ohio was: James G. Blaine, republican, 400,082; Grover Cleveland, democrat, 368,280; John P. St. John, prohibition, 11,069; Benjamin F. Butler, greenback anti-monopoly, 5,179. Blaine's plurality, 31,802. The twenty-three Ohio presidential electors were: At large—John Beatty, Franklin County; James M. Comly, Lucas. By districts—Samuel Bailey, Jr., John Ross Baumes, both of Hamilton County; Robert G. Corwin, Warren; Andrew R. Calderwood, Darke; Samuel Taylor, Allen; Alonzo B. Holcomb, Paulding; Lovell B. Harris, Seneca; Asa S. Bushnell, Clark; Philander B. Cole, Union; Ralph P. Buckland, Sandusky; Charles E. Kirker, Adams; Edward S. Wilson, Lawrence; Joseph F. Wheeler, Logan; Jesse R. Foulke, Morgan; William A. Bovey, Coshocton; George Adams, Holmes; Rodney M. Stimson, Washington; John S. Rooller, Mahoning; Albert W. Stiles, Ashtabula; Ulysses L. Marvin, Summit; and William Kaufman, Cuyahoga.

The republican state ticket was elected with pluralities of from 11,000 to 17,000, and ten of the twenty-one congressmen were also republicans.

At the adjourned session of the General Assembly the official canvass was made of the October election, with the following results:

Secretary of State—James S. Robinson, republican, 391,597; James W. Newman, democrat, 380,355; Evan J. Morris, prohibition, 8,607; Peter M. Harrold, greenback, 3,475.

Judge of the Supreme Court—William W. Johnson, republican, 392,918; Charles D. Martin, democrat, 378,965.

Member of Board of Public Works—Charles A. Flickinger, republican, 393,885; John H. Benfer, democrat, 376,602.

On January 21, 1885, the General Assembly adopted a joint resolution designating William Allen, who had died in 1879, as the second eminent Ohioan whose statue should represent the state in statuary hall in the capitol at Washington, and appointing a commission to have it made and placed. The order for this art work was given to Charles Niehaus, of Cincinnati, the sculptor who had produced the statue of Garfield a few years before.

On March 25, 1885, the General Assembly adopted a joint resolution submitting to the people a constitutional amendment which would change the date of state elections from October to the first Tuesday after the first Monday in November. This change was approved by the people at the following election by a majority of 338,578.

Public executions of murderers had for many years been a subject of serious consideration. Aside from the fact that they were sometimes carried out in a bungling manner, there was a general opinion that their effect on the public mind was pernicious and deplorable. Accordingly, on April 29, 1885, the General Assembly enacted a law providing that thereafter all executions should be privately held in a chamber at the Ohio penitentiary to be especially prepared for that purpose. It was required that they should occur before daylight in the morning, and the law specifically designated the few who were to be allowed to be present—three persons to be named by the condemned, five county sheriffs to be named by the warden of the penitentiary, a few newspaper reporters, the chaplain of the prison, the coroner of the county in which the crime was committed, and another minister if the condemned man so desired. This law went into effect immediately and it was found so great an improvement over the old method that it has ever since been a matter of wonderment that it was not adopted long before. Executions were by hanging, but not many years later this was changed to death by electricity.

At 8:30 p. m. of September 8, 1885, the most destructive tornado in the history of the state occurred at Washington C. H., Fayette County. Fully 700 houses were damaged, of which 150 were completely demolished. A majority of the business buildings facing the public square were leveled to the earth. There were the inevitable casualties, protection of property by militia, and activities of a relief committee. The gas works were destroyed, and bonfires were necessary at night to make possible search of the ruins and prevention of depredations. Governor Hoadly visited the scene the next day and issued an appeal to the state for assistance to the stricken residents of the city.

The political campaign of 1885, following after the exciting presidential contest of 1884, was lacking in unusual incident. The republican convention was held in Springfield on June 11, and that of the democrats at Columbus on August 20. The two contestants for the office of governor were the same as in the campaign of two years before—George Hoadly for the democrats and Joseph B. Foraker for the republicans. The prohibitionists and the greenbackers again nominated tickets. The republican candidates won by substantial majorities. The Legislature was in doubt because of alleged frauds in Cincinnati, from which city two delegations claimed to be elected. It was this circumstance which brought on a spectacular contest, with sensational and unusual events, when the Assembly convened the following January.

ADMINISTRATION OF GOVERNOR JOSEPH BENSON FORAKER

Sixty-seventh General Assembly

Regular Session, January 4 to May 19, 1886; Adjourned Session, January 4 to April 2, 1887

Lieutenant Governor Robert P. Kennedy presided ex-officio over the proceedings of the Senate, and John C. Entrekin, of Ross County, was speaker of the House of Representatives. The speaker pro tempore of the House was Daniel J. Ryan, who then held his first official connection with the affairs of the state, except for one term previously served in the House of Representatives. Later he became secretary of state and a noted lawyer, but his great claim to fame is his authorship, jointly with Emelius O. Randall, of the "History of Ohio; the Rise and Progress of an American State," in five volumes.

The canvass of the vote at the preceding October state election was made by the Assembly on January 6, and declaration made of the official figures as follows:

Governor—Joseph B. Foraker, republican, 359,381; George Hoadly, democrat, 341,830; Adna B. Leonard, prohibition, 28,081; John W. Northrup, greenback, 2,001.

Lieutenant Governor—Robert P. Kennedy, republican, 360,720; John G. Warwick, democrat, 341,809.

Judge of the Supreme Court, full term—Thaddeus A. Minshall, republican, 361,216; Charles D. Martin, democrat, 341,712.

Judge of the Supreme Court, vacancy—William T. Spear, republican, 363,770; Gibson Atherton, democrat, 335,383.

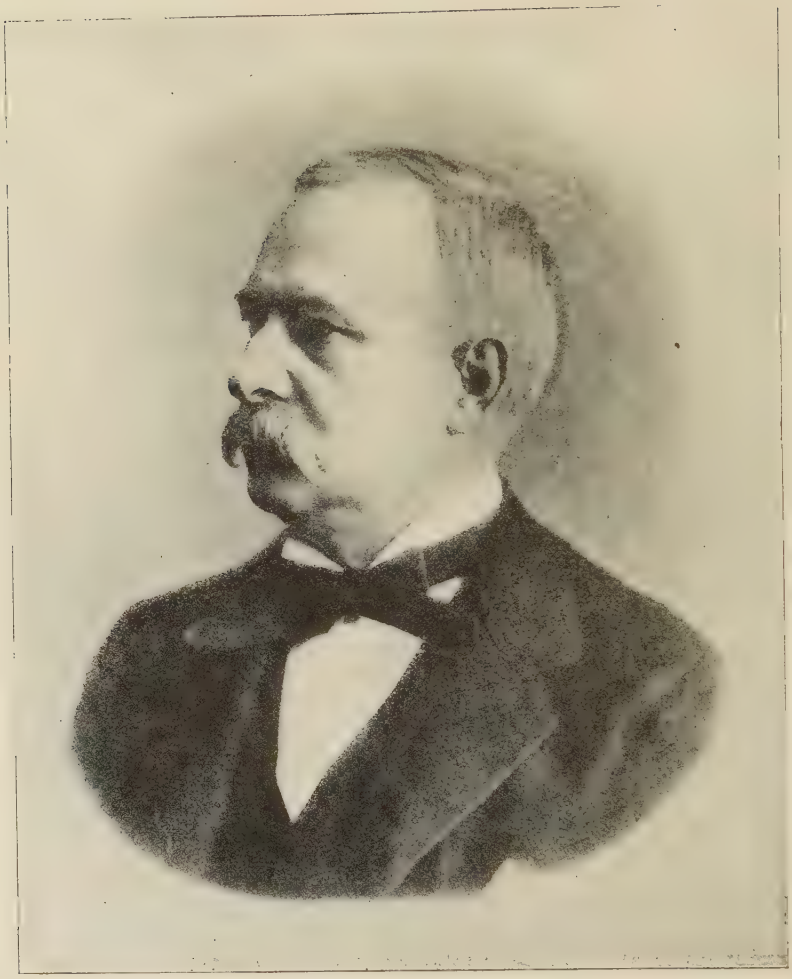
Attorney General—Jacob A. Kohler, republican, 360,802; James Lawrence, democrat, 341,762.

Treasurer of State—John C. Brown, republican, 361,463; Peter Brady, democrat, 340,969.

Member Board of Public Works—Wells S. Jones, republican, 361,598; Henry Weible, democrat, 341,244.

On January 12, 1886, John Sherman was again elected United States Senator by a vote on joint ballot of eighty-two, to sixty-two cast for Allen G. Thurman. Senator Sherman arrived in Columbus on the 14th and was given a public reception at which there were present Governor Foraker, the judges of the Supreme Court, the two houses of the General Assembly, and a large concourse of private persons, including many ladies.

The General Assembly continued in a great turmoil of excitement during a large part of this session because of incidents arising out of charges of gross frauds in the Cincinnati elections of the previous October, in which the legislative delegation of that city was concerned. In the House of Representatives summary proceedings were taken by the republican majority to declare that the democrats from Hamilton County were not entitled to their seats, and the republicans who contested for them were promptly recognized. But in the Senate where the politics of the four members from Cincinnati would determine which party would be in a majority, the situation was very different. Before the new president, General Kennedy, had been inducted into office the four democrats were sworn upon presentation of their certificates of election, but Kennedy refused to recognize them as members. The contest thus precipitated was attended by riotous scenes. Finally, on May 5, the democrats determined to break the quorum in the Senate, and thus prevent the republicans from proceeding with their intention to seat the republican contestants. They therefore left the statehouse—all except one who was left to stand guard. Under these circumstances it was the aim of the republicans to prevent a record being made which would officially disclose that no quorum was present. To accomplish



JOSEPH B. FORAKER

Governor January 11, 1886—January 13, 1890. Born July 5, 1846; died May 10, 1917. Judge of Superior Court, Cincinnati; United States Senator.

this purpose President Kennedy recognized Senator Pavey, of Fayette County, as having the floor, and whenever Senator VanCleaf, of Pickaway, the democrat left to keep watch, rose to demand a "call of the house" Kennedy refused to recognize him because Senator Pavey had the floor, and could not be compelled to yield it. This went on for two weeks, during which time no business of consequence was accomplished in the Senate. There was naturally great excitement over it, and the situation became very strained. In a moment of absence of Senator VanCleaf from the floor of the Senate the republicans, by a *viva voce* vote seated the four republicans from Hamilton County, and a quorum was thus created regardless of the absence of the democrats. No record of this vote was made since the roll had not been called, and the Supreme Court later decided that the act was legal and in order because the Senate Journal did not at any time show the lack of the necessary quorum. The absent democratic members returned before final adjournment.

A law was passed, pursuant to the approval of the people, changing election day from October to November.—The eight hour day for labor was established.—An appropriation of $35,000 was made to provide suitable Ohio monuments on the field of Gettysburg.—The salaries of the state officers were raised to the following figures: Governor, $8,000 per annum; lieutenant governor, $800; supreme judges, $4,000 each; secretary of state, $3,000, with fees and allowances; auditor and treasurer of state, $3,000 each; attorney general, $1,500 and fees; members of the General Assembly, $600 each. These have all been materially increased since that time.

Joint resolutions of the Assembly provided for centennial celebrations in Columbus and Marietta in 1888 to commemorate the settlement of the state in 1788. That in Columbus was to be a great exposition to demonstrate the material and educational progress of the state. A board was to be appointed, with the governor as chairman, consisting of five members to be designated by the State Board of Agriculture, two by the Ohio State Archæological and Historical Society, and one by the State Horticultural Society. This board was instructed by the act "to secure intelligent representation in departments of education, history, art, science, agriculture, horticulture, live stock, forestry, mechanics, mining, commerce, transportation, merchandise, journalism, domestic manufacturing, and all arts and industries beneficial to mankind." The celebration at Marietta was to be in charge of the State Archæological and Historical Society. Both of the events thus launched were successfully carried out two years later.

On March 3, 1886, a joint resolution of the General Assembly recited that the State House was too small to accommodate all the departments and provided for the appointment of a joint committee of the two houses which should investigate and report a plan for either enlarging it or erecting a new building on the capital grounds. This was the first act toward the building of the state house "Annex," which was finished ready for occupancy in 1900. But even with this relief it has been necessary since that time to house several of the state departments in large office buildings in Columbus, and the question of greatly enlarging the original capitol building has been a perennial one

On the night of May 12, 1886, devastation was created by a terrible storm and flood in Xenia and Greene County. Shawnee Creek, a small and supposedly harmless stream, "went mad" as a result of great rains, and the overflowing water submerged a large part of the town. Many houses were washed away and thirty-three persons were drowned. This was followed next day by another great storm of wider area in western Ohio. Several lives were lost at Celina, and great destruction of property was wrought at Fort Recovery, Tiffin and Kenton.

The usual annual political conventions presented tickets for the suffrage of the people—the democrats at Toledo on August 18, and

the republicans at Columbus on August 25. The greenback party had disappeared, but its place was taken by the labor party. The republicans attacked President Cleveland in their platform, and the democrats advocated a license system for the regulation of the evils growing out of the traffic in intoxicating liquors. The vote was large and the republicans were successful by pluralities approximating 20,000. They also elected fifteen of the twenty-one congressmen. William McKinley, whose district had been restored to its old bounds, was returned to Congress by a majority of 2,559.

At its adjourned session, beginning January 4, 1887, the official canvass of the October, 1886, vote on state officers was declared by the General Assembly to be as follows:

Secretary of State—James S. Robinson, republican, 341,095; John McBride, democrat, 329,314; Henry R. Smith, prohibition, 28,982; Charles Bonsall, labor, 2,010.

Judge of Supreme Court—Marshall J. Williams, republican, 343,739; Martin D. Follett, democrat, 326,227.

Clerk of Supreme Court—Urban H. Hester, republican, 344,552; John W. Cruikshank, democrat, 325,046.

Commissioner of Common Schools—Eli T. Tappan, republican, 344,243; Leroy D. Brown, democrat, 325,943.

Member Board of Public Works—William M. Hahn, republican, 344,557; William F. Ludwig, democrat, 325,163.

The "Black Laws," which had stood on the statute books of the state since its foundation, were all repealed by act of February 22, 1887. They had been made in the days of slavery. The war had removed the most important of the restrictions on negroes, but the act of February, 1887, struck from the books all legal and civil distinctions between white and colored people in Ohio.

At one o'clock a. m. of January 4, 1887, an appalling collision occurred on the Baltimore & Ohio Railroad near Tiffin. The weather was extremely cold, and one of the trains was stalled because the boiler of its locomotive could not keep up a sufficient steam pressure. The conductor was too late in sending a warning light to stop the "lightning express" which was approaching at sixty miles an hour around a curve, and the two trains telescoped. Within a few minutes the cars were a mass of flames, ignited by overturned stoves, and seventeen passengers who had not been able to escape from the wreck were burned alive. This catastrophe contributed largely to the movement which eventually secured the scrapping of all wooden cars and the exclusive use of steel in the construction of rolling stock for passenger trains.

Preparations for the political battle of 1887 began early. On June 30, at Delaware, the prohibitionists nominated Morris Sharp, of Fayette County, for governor; and at Columbus, on July 4 and 5, the labor party named John Seitz, of Seneca. On July 20 the democrats, at Cleveland, decided on a ticket headed by Thomas E. Powell, of Delaware, extolled President Cleveland, and again urged a constitutional amendment permitting a license system for regulating the sale of intoxicating liquors. The republican convention, at Toledo on July 27, renominated Governor Foraker and strongly endorsed John Sherman for the next presidential nomination—in 1888.

The campaign was a whirlwind affair from start to finish. An unusual move was the bringing of the former Confederate general, John B. Gordon, from Georgia to make speeches for the democrats, and the republicans took full advantage of the situation thereby created. The election resulted in victory for the republican candidates by largely increased majorities. The newly elected Legislature consisted of twenty-three republicans and twelve democrats in the Senate, and of sixty-seven republicans and forty-five democrats in the House of Representatives

Sixty-Eighth General Assembly

Regular Session, January 2 to April 16, 1888; Adjourned Session, January 8 to April 15, 1889

The presiding officer of the Senate, ex-officio, was Lieutenant Governor William C. Lyon. Elbert L. Lampson, of Ashtabula County, was the speaker of the House of Representatives.

The usual canvass of the vote for state officers occurred on the third day of the session, with the following results:

Governor—Joseph B. Foraker, republican, 356,534; Thomas E. Powell, democrat, 333,205; Morris Sharp, prohibition, 29,700; John Seitz, union labor, 24,711. Foraker's plurality, 23,329.

Lieutenant Governor—William C. Lyon, republican, 356,932; DeWitt C. Coolman, democrat, 328,189.

Judge of the Supreme Court, full term—William T. Spear, republican, 357,137; Lyman R. Critchfield, democrat, 327,887.

Judge of the Supreme Court, short term—Franklin J. Dickman, republican, 357,039; Virgil P. Kline, democrat, 328,137.

Auditor of State—Ebenezer W. Poe, republican, 356,793; Emil Kiesewetter, democrat, 327,821.

Treasurer of State—John C. Brown, republican, 357,597; George W. Harper, democrat, 327,435.

Attorney General—David K. Watson, republican, 357,433; William H. Leete, democrat, 327,551.

Member Board of Public Works—Charles A. Flickinger, republican, 357,138; Orsamus E. Niles, democrat, 326,025.

The demand for local option as to the sale of intoxicating liquors was met by the General Assembly in a law passed March 2. By its operation one-fourth of the voters of any township, not within any municipality, could petition the township trustees at any time to hold a special election to determine whether sale of intoxicants was to be prohibited. If it should appear at such election that a majority of the voters favored prohibition, it would be unlawful to sell, furnish or give away such liquors. For violation the offender could be fined as high as $500 and imprisoned in the county jail six months. All fines were to be paid into the county poor fund. Many townships availed themselves of the provisions of this law, but its weakness consisted in that liquors sold unlawfully in towns or in adjoining townships were very easily obtainable by those living in local option territory.

An act of April 10, 1888, made it unlawful to sell cigarettes, cigars or tobacco to minors under the age of fifteen. The law was passed in response to demands of reformers, but it proved a dead letter.

It was not until 1888 that electric lights were installed in the State House, and then only as an experiment. The Edison Electric Light Company of Columbus was furnishing customers with current, and on January 24 a law was passed authorizing that company "to run wires into the Supreme Court Room, consultation room and law library at its own expense." It was not permitted to charge more than three-quarters of 1 per cent per hour for each light of sixteen-candle power, and the state reserved the privilege of terminating the arrangement at any time.

The State Board of Pardons, which had been so earnestly recommended by Governor Foster in his first inaugural address in 1880, was not established until 1888. On April 11 of that year the law was passed which brought it into existence. It was to consist of four members, two from each of the leading parties, and they were to serve four year terms. All applications for pardons of convicts was to be made directly to the board, and it was, after full investigation, to make recommendations in writing to the governor, with all details. But the governor was to have full power either to accept or reject the recommendations made.

The Ohio Centennial Exposition was held at the State Fair grounds in Columbus, from September 4 to October 16, 1888. The celebration was opened with a great parade of Ohio National Guard and an immense gathering of people in the Auditorium, one of the ten buildings specially constructed for the occasion. Governor Foraker was present and Coates Kinney was poet of the day. Mrs. Foraker pressed the button which set the mass of machinery in motion. The exposition was in every way a fitting exemplification of Ohio's first century of progress and her proud place in the sisterhood of states.

At Marietta, for some days beginning April 5, 1888, exercises were held commemorative of the first Ohio settlement, April 7, 1788. Governor Foraker delivered the address of welcome, and the formal oration was by George F. Hoar, the distinguished United States Senator from Massachusetts. There were also addresses by ex-President R. B. Hayes, Hon. J. Randolph Tucker of Virginia, Dr. Edward Everett Hale of Massachusetts, Dr. Henry Storrs of New Jersey and Dr. A. L. Chapin of Wisconsin—all of whom were among the most prominent men of that day. On July 15-19, also at Marietta, equally impressive ceremonies commemorated the establishment of civil government in the Northwest Territory. These exercises were participated in by Senator John Sherman, Governor Foraker, Senator John W. Daniel of Virginia, Mrs. Mary A. Livermore of Massachusetts, Generals Charles H. Grosvenor and Thomas Ewing of Ohio, and Senator William M. Evarts of New York, who had been secretary of state under President Hayes. Both of these occasions at Marietta were dignified and impressive, worthy of the great event, and they attracted attention throughout the nation.

The national political campaign of 1888 overshadowed every other interest. Some of the policies and measures of President Cleveland, the first democrat to occupy the White House since Buchanan was succeeded by Lincoln in 1861, had been bitterly denounced by the republicans of all the states, and they were determined to reinstate their party in control of the national executive department. The democrats were equally determined to give no ground. The conventions in Ohio emphasized this antagonism. The democrats held theirs at Dayton beginning May 15. It endorsed Cleveland's administration "without qualification," and demanded a great reduction in the tariff rates. It named a state ticket and elected the following delegates-at-large to the national convention:

Delegates-at-large—Calvin S. Brice of Lima, Charles W. Baker of Cincinnati, Thomas E. Powell of Columbus and L. E. Holden of Cleveland.

Electors-at-large—William D. Hill of Defiance and W. W. Ellsberry of Georgetown.

The republican state convention was held, also at Dayton, on April 18. Its platform condemned Cleveland, denounced suppression of negro voters in the South, declared for an adequate protective tariff, commended Governor Foraker's administration, and urged that the national convention nominate John Sherman for president. It nominated a state ticket, named Isaac P. Lampson of Cuyahoga County and Absalom H. Mattox of Hamilton as presidential electors-at-large, and the following delegates-at-large to the national convention: Joseph B. Foraker of Hamilton County, William McKinley of Stark, Charles Foster of Seneca, and Benjamin Butterworth of Hamilton. The district delegates were: Thomas W. Graydon, Howard Ferris, Amor Smith, Jr., and Frederick Tucker, all of Hamilton County; O. Britt Brown and Joseph E. Lowes of Montgomery; George P. Waldorf, Allen; A. M. Kuhn, Auglaize; William H. Gibson, Seneca; E. J. Totten, Hancock; H. A. Hamilton, Wood; Isaac N. Alexander, VanWert; John Little, Greene; James B. Swing, Clermont; John Foos, Clark; Festus Walters, Pickaway; H. M. Carper, Delaware; R. L. Woodburn, Union; James B.

Luckey, Ottawa; Clarence E. Brown, Lucas; Edward F. Wilson, Lawrence; S. M. Brandyberry, Gallia; Azariah W. Doan, Clinton; Marcus Boggs, Ross; Jared P. Bliss, Franklin; John W. Jones, Hocking; Henry C. Hedges, Richland; Sidney S. Warner, Lorain, Charles L. Kurtz, Athens; Walter W. Merrick, Meigs; Samuel J. Davis, Licking; Mendal Churchill, Muskingum; John A. Bingham, Harrison; Robert Sherrard, Jefferson; Robert N. Chamberlain, Columbiana; Thomas R. Morgan, Sr., Stark; William Grinnell, Portage; W. H. Johnson, Lake; C. J. Mannix, Cuyahoga; Martin L. Smyser, Wayne; Myron T. Herrick, Cuyahoga; Marcus A. Hanna, Cuyahoga.

Candidates were again presented by conventions of the prohibition and union labor parties.

The democratic national convention met at St. Louis, Missouri, on Tuesday, June 5. Grover Cleveland had no opposition for the presidential nomination, and he was made the candidate with great demonstrations of enthusiasm. Allen G. Thurman, of Ohio, was named for vice president, on the first ballot, with only negligible opposition.

The republicans met at Chicago on June 19. It had been expected that James G. Blaine would again be the candidate, but he positively refused. No other candidate had been previously talked of except John Sherman, but at the convention the following men were placed in nomination: Benjamin Harrison of Indiana, William B. Allison of Iowa, Russell A. Alger of Michigan, Jeremiah M. Rusk of Wisconsin, Chauncey M. Depew of New York, Joseph R. Hawley of Connecticut, John J. Ingalls of Kansas, Edwin H. Fitler of Pennsylvania, and John Sherman of Ohio. In the voting Sherman led for six ballots, but on the seventh his vote was exceeded by that of Harrison, and on the eighth Harrison was the winner. On motion of Governor Foraker, who had spoken before the convention on behalf of Sherman, Harrison's nomination was made unanimous. Levi P. Morton of New York was made the candidate for vice president—on the first ballot.

The campaign in Ohio was vigorous, as it was in all parts of the North, but as Ohio, under the new constitutional amendment, would hold no October election, the former efforts to make a large pre-November showing were not in evidence. The state went republican by about 20,000 on all the candidates, the vote on president being as follows: Benjamin Harrison, republican, 416,054; Grover Cleveland, democrat, 396,455; Clinton B. Fisk, prohibition, 24,356; Alson J. Streeter, union labor, 3,496. The republicans made a gain of one more congressman, electing their candidates in sixteen of the twenty-one districts.

At the adjourned session of the General Assembly the canvass of the vote on state officers showed the following figures:

Secretary of State—Daniel J. Ryan, republican, 416,510; Boston B. Young, democrat, 395,522; Walter S. Payne, prohibition, 24,618; George F. Ebner, union labor, 3,452.

Judge of Supreme Court—Joseph P. Bradbury, republican, 415,842; Lyman R. Critchfield, democrat, 396,236.

Member Board of Public Works—Wells S. Jones, republican, 416,-143; James Emmitt, democrat, 395,869.

On March 20, 1889, the General Assembly appropriated $5,000 for the erection of a monument, or memorial, in the National Cemetery at Chattanooga, Tennessee, at the group of eight graves where lie the bodies of the famous "Andrews Raiders," who were executed by the Confederates at Atlanta, Georgia, in June, 1862. These were the daring spirits in the Union army—most of them Ohioans—who in April, 1862, captured a locomotive at Big Shanty, Georgia, and attempted to run it to Chattanooga, cutting telegraphic wires, burning bridges, and tearing up the railroad tracks as they went, as a means of helping in important army movements. They were unsuccessful, for reasons beyond their control. The men were captured by the Confederates

and eight of them executed as spies. The Assembly's resolution named them as follows:

James Andrews, citizen, late of Flemingsburg, Kentucky.

William Campbell, citizen, late of Salemville, Columbiana County, Ohio.

George D. Wilson, Company B, Second Ohio Infantry, enlisted at Franklin, Miami County, Ohio.

Marion A. Ross, Company A, Second Ohio Infantry, enlisted at Urbana, Champaign County, Ohio.

Perry D. Shadrock, Company K, Second Ohio Infantry, enlisted at Mitchell's Salt Works, Jefferson County, Ohio.

Samuel Slavens, Company E, Thirty-third Ohio Infantry, enlisted at Portsmouth, Ohio.

Samuel Robinson, Company G, Thirty-third Ohio Infantry, enlisted at Bourneville, Ross County, Ohio.

John Scott, Company K, Twenty-first Ohio, Infantry, enlisted at Findlay, Hancock County, Ohio.

The memorial thus provided for was ready to be unveiled by 1891, and the impressive ceremonies on the occasion, May 30 of that year, consisted chiefly of an eloquent address by ex-Governor Joseph B. Foraker.

One of the most notable legislative events in Ohio in the year 1889 was the passage, on April 15, of a law greatly strengthening the act for compulsory education. It required attendance at school of all children between the ages of eight and fourteen years for at least twenty weeks each year in cities, or sixteen weeks in country districts. It was made unlawful to employ children under fourteen years old. Minors over fourteen and under sixteen who could not read and write were required to attend day or evening school, or take private instructions, until they could read and write simple sentences in the English language. The enforcement of the law was placed in the hands of the school authorities, with truant officers in larger cities and constables in smaller towns, and in townships, to make sure that all children were brought under these requirements.

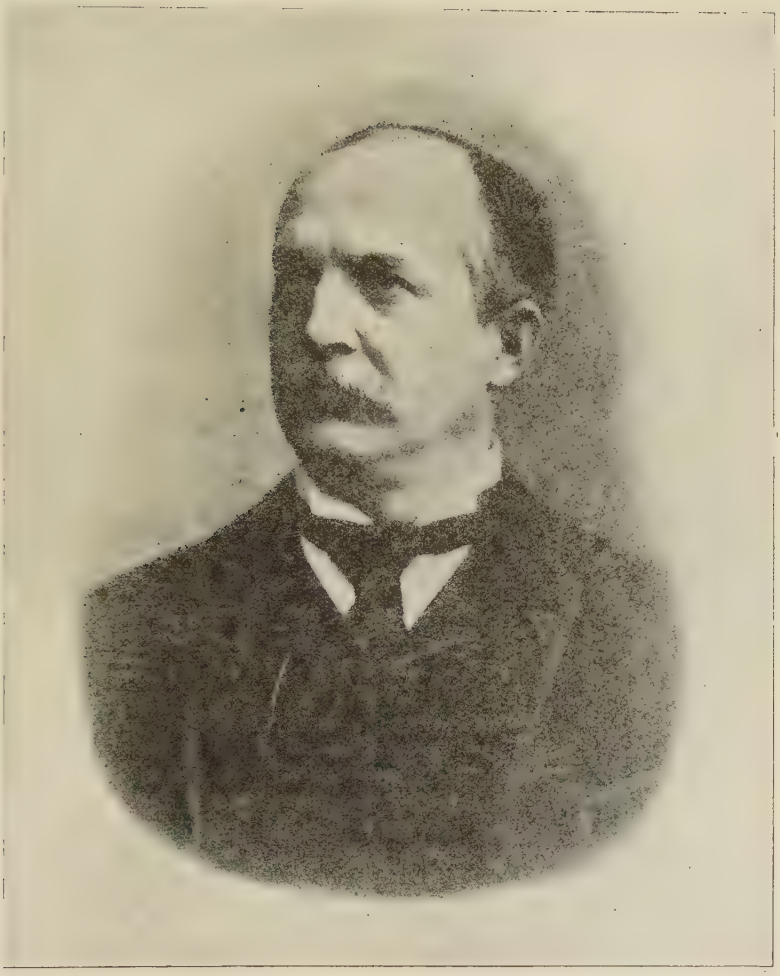
The state political campaign of 1889 was a very bitter one. The democrats nominated James E. Campbell, of Butler County, for governor, and the republicans, for the fourth time, named Joseph B. Foraker. There were charges that Campbell had been guilty of suspicious transactions in connection with a patent ballot box, but it was proved that the charges were untirely unfounded, and the effect was favorable to him. The canvass for votes was vigorous and the speaking campaign more active and far reaching than usual. The democrats elected Mr. Campbell by almost 11,000, but the republicans carried the rest of their ticket, including the lieutenant governor, by small pluralities. The General Assembly chosen was democratic by nineteen to seventeen in the Senate, and sixty-four to fifty in the lower house. Among the members in the lower body of legislators was Harry M. Daugherty, a young lawyer of Fayette County, who became prominent in political affairs in the state, and thirty years later attained the high position of Attorney General of the United States.

ADMINISTRATION OF GOVERNOR JAMES E. CAMPBELL

Sixty-ninth General Assembly

Regular Session, January 6 to April 28, 1890
Extraordinary Session, October 14 to 24, 1890
Adjourned Session, January 3 to May 4, 1891

The first president, ex-officio, of the Senate at this session of the General Assembly was Elbert L. Lampson, who had received his certifi-



JAMES E. CAMPBELL

Governor January 13, 1890—January 11, 1892. Born July 7, 1843; died December 17, 1924. Prosecuting attorney; member of Congress.

cate of election as lieutenant governor, but on January 30 he was unseated, and William V. Marquis, his democratic competitor in the 1889 election, was declared elected to the office. The speaker of the House was Nial R. Hysell of Perry County. The clerk of the Senate was William A. Taylor, a noted newspaper editor and historical writer.

The vote of the previous election for state officers, as canvassed in joint convention of the two houses of the Legislature, was as follows:

Governor—James E. Campbell, democrat, 379,423; Joseph B. Foraker, republican, 368,551; John B. Helwig, prohibition, 26,504; John H. Rhodes, union labor, 1,048. Campbell's plurality, 10,872.

Lieutenant Governor—Elbert L. Lampson, republican, 375,090; William V. Marquis, democrat, 375,068. Lampson's plurality, 22.

Secretary of State—John C. Brown, republican, 377,102; William E. Boden, democrat, 373,476.

Judge of the Supreme Court—Urban H. Hester, republican, 377,-021; Israel J. C. Shumaker, democrat, 373,453.

Attorney General—David Kemper Watson, republican, 377,140; Jesse M. Lewis, democrat, 373,335.

Commissioner of Common Schools—John Hancock, republican, 377,107; Charles C. Miller, democrat, 373,391.

Member Board of Public Works—William M. Hahn, republican, 377,059; Frank Reynolds, democrat, 372,659.

Governor Campbell's inauguration, January 13, was a brilliant occasion, with a fine parade and great crowds in attendance.

The Board of Equalization, after canvassing and adjusting tax valuations of real estate this year, determined the total valuation to be $1,232,305,312.

On January 14, the two houses balloted separately to elect a United States Senator to succeed Henry B. Payne on March 4, 1891, and the next day, in joint session, declared Calvin S. Brice elected. The candidates before the caucus of democratic members included, besides Brice, John A. McMahon of Montgomery County, John H. Thomas of Clark, Charles W. Baker of Hamilton, John McSweeney of Wayne, and a few others who developed no particular strength. Two ballots were required, and Brice was chosen by fifty-three votes against a total of twenty for the others. The republicans supported ex-Governor Charles Foster, who received fourteen votes in the Senate, and fifty-two in the House.

The experiment of using electric lights in the judicial department of the state capitol, instituted the previous year, had met with the approval of the Legislature, and on January 6, 1890, the first day of the session, a joint resolution was adopted looking to the use of the new illumination in all parts of the building. The first intention, however, was that the state would generate its own current, and the first act appointed a committee to inquire into the practicability of installing a plant in the basement of the capitol. It was not found wise to do this, and early the following year an order was given to the Edison Company to wire the capitol throughout. This was eleven years after Edison had perfected his incandescent lamp, and the industry made possible by that great invention had already grown to considerable proportions.

On March 11, 1890, the democratic Legislature passed another bill dividing the state into congressional districts. The object was to throw as many republican counties as possible together into single districts, in order to concentrate their vote and thereby secure to them as few districts, with large majorities, as could be devised. In this the democrats were successful, for at the next election, although the republican state ticket was elected by more than 10,000 plurality, the democrats carried fourteen of the new twenty-one congressional districts which they had carved out and the republicans carried seven.

Perhaps the most notable feature of the legislative program of the

session of 1890 was the number and importance of "labor laws" passed. The unions of workingmen had grown very strong in numbers and power, and their influence on the Legislature was potent. By act of April 2 labels upon union made goods were authorized. On April 28 a law established free employment agencies in some of the larger cities; on the same date the first Monday in September was designated as "labor day" and made a holiday. A law was also enacted creating certain hours of election day a holiday and making it unlawful for employers to require their men to work during those hours. Railroad companies were forbidden to compel their employes to sign agreements holding the companies harmless from damages in case of accidents or injuries to employes. Railroad companies were also obliged to pay their men an extra rate for time over ten hours per day. All incorporated companies were required to pay their employes at least twice a month.

Governor Campbell called an extraordinary session of the Legislature which convened October 14, 1890, and adjourned ten days later. It passed a few special acts, but its main work was the reorganization of the government of the City of Cincinnati—the law being known at the time as "the ripper bill." Later this law was declared unconstitutional by the Supreme Court.

The four political parties which had been in the contest of the previous year again presented candidates for election in 1890—the organizations of union labor and prohibition in addition to those of the republicans and democrats. The loss by the republicans of the governor and General Assembly had been a severe blow to the party, as it carried with it the United States Senator, the majority representation in the lower house of Congress, and the control of all the state institutions. The republican managers of the 1890 campaign therefore made the greatest possible effort to regain the lost ground. In this they were successful except as to the congressmen. As has been before stated, the new districts made up by the democratic Legislature of the previous year elected only seven republicans in the twenty-one districts. Among the defeated republicans was William McKinley, whose district had been made overwhelmingly democratic. But to this fact was largely due his nomination for governor in 1891. His standing and ability in Congress had enabled him to secure the passage of "the McKinley Tariff Bill," and he was now one of the great figures of the nation. Meanwhile, Marcus A. Hanna of Cleveland was becoming a power in the republican councils, and his management of McKinley's interests easily secured for him the nomination for president in 1896.

In the decade between 1880 and 1890 the population had increased from 3,198,062 to 3,672,316. The inhabitants of Illinois now totaled 3,826,351, and that state had therefore crowded Ohio out of third rank among the states of the Union. But there was a difference of a million between Ohio and Missouri, which stood next lower on the list. Some of the cities of Ohio had shown phenomenal growth—Cleveland from 160,146 in 1880 to 261,353; Findlay from 4,632 to 18,553; Youngstown from 15,435 to 33,220; Canton from 12,258 to 26,189; Lima from 7,669 to 15,987. The largest ten cities of the state now were: Cincinnati, with a population of 296,908; Cleveland, 261,353; Columbus, 88,150; Toledo, 81,434; Dayton, 61,220; Youngstown, 33,220; Springfield, 31,895; Akron, 27,601; Canton, 26,189; and Zanesville, 21,009.

At the adjourned session of the General Assembly, in January, 1891, the official result of the election of 1890 was thus declared:

Secretary of State—Daniel J. Ryan, republican, 363,548; Thaddeus E. Cromley, democrat, 352,579; Melancthon C. Lockwood, prohibition, 23,837; Ezekial T. Kurtes, union labor, 1,752.

Judge of the Supreme Court—Thaddeus A. Marshall, republican, 362,896; George B. Okey, democrat, 353,628.

Member Board of Public Works—Frank J. McColloch, republican, 362,594; Leopold Keifer, democrat, 353,840.

A legislative joint resolution dated February 3, 1891, called upon Ohio's representatives in Congress to do all in their power to secure the passage of a law submitting an amendment to the federal constitution under which United States senators would be elected directly by the people instead of by the state legislatures. This was not a new idea at that time, but it was the first action taken in Ohio upon the subject. The movement made slow progress, however, and it was not until 1912 that Congress took the necessary steps to make the change, and it was declared in force on May 21, 1913. This was the seventeenth amendment to the fundamental document which is the Supreme Law of the Land.

In the preliminary statement of a joint resolution adopted by the General Assembly on April 24, 1891, it was recited that 56 per cent of accidents to railroad employes were caused in the operation of coupling cars. The resolution therefore urged upon Ohio's representatives in Congress to secure if possible the passage of an act requiring railroad companies to install automatic couplers on all cars. It was a reform greatly needed, recognized by the companies themselves as well as by their employes and the public at large. Thousands of inventions to accomplish the purpose were patented and presented for trial, but it required some years of experimenting to find automatic couplers which were thoroughly dependable, after which they were put into universal use.

The act of the sixty-ninth General Assembly which personally concerned the greatest number of people was that which established the Australian ballot system in elections—dated April 30, 1891. It was practically complete in its original form, very few alterations or amendments have since been found necessary. The law secured absolute secrecy in marking ballots and made election frauds by officials practically impossible. It was the outstanding achievement of Governor Campbell's administration.

A new political party was formed at Cincinnati in a conference held May 19, 1891, being representative of the Farmers' Alliance and various industrial organizations. It was called "The People's Party." National in scope, it existed long enough to take part in the presidential election of 1892, after which it disappeared. But in 1891 it held a state convention, at Springfield on August 6, and nominated a full ticket. The prohibitionists again entered the field with a complete list of nominees for state offices.

The republican state convention met at Columbus, June 16 and 17. Gen. Asa S. Bushnell of Springfield presided. The only candidate for governor was William McKinley, his name being presented in a characteristic and eloquent speech by ex-Governor Foraker, who moved that the rules be suspended and that Major McKinley be nominated by acclamation, which was done amid great cheering. McKinley and Senator Sherman addressed the convention. All the candidates were nominated on first ballots, including one for a new office—dairy and food commissioner—the honor falling to Frederick B. McNeal of Union County. The democratic convention was held at Cleveland on July 15 and 16. Governor Campbell was renominated. The platform declared for free silver and a tariff for revenue only, and denounced the "republican billion dollar Congress."

Campbell and McKinley were warm personal friends, each having the highest respect for the other, and the campaign was entirely free from undignified personalities. Once, at Ada, Hardin County, they met in joint debate on the silver and tariff issues, before an immense audience. Both speakers were treated with fairness, and not an unpleasant incident marred the proceedings. Much of the interest in the campaign centered about the people's party, the managers of which were

extremely active, and its strength was a matter of much speculation. The Australian ballot required by the new election law was confusing to many voters, and a large number of them made a mistake in marking, by which their ballots were counted for governor only, so that the candidates for that office received a total of almost 30,000 more votes than were counted for the other candidates. The republicans were victorious, McKinley being elected by more than 21,000 plurality. The new General Assembly was overwhelmingly republican—twenty-one to ten in the Senate, and seventy-two to thirty-five in the House.

Ohio was at this time normally a republican state. Some observers have contended that if Governor Campbell had not sought to remove the democratic office holders in Cincinnati, whom he regarded as guilty of maladministration—if he had permitted them to remain undisturbed—he might have been reelected. A high regard of duty led him to a different and more honorable course. Had he won over McKinley in the state election, his way to the highest office within the gift of the people might very naturally have been open. He and not Grover Cleveland would probably have succeeded Benjamin Harrison to the presidency.

In the meantime, factional differences had developed in the republican party of the state. These had become more pronounced after the defeat of Governor Foraker in 1889. They culminated in the early weeks of 1898.

ADMINISTRATION OF GOVERNOR WILLIAM McKINLEY

Seventieth General Assembly

Regular Session, January 4 to April 18, 1892

Andrew L. Harris was the new lieutenant governor who, ex-officio, presided over the deliberations of the Senate. Elbert L. Lampson, of Ashtabula County, who had in the previous Assembly been unseated as lieutenant governor by the democratic majority, was now elected president pro tempore. Lewis C. Laylin, of Huron County, who as secretary of state a few years ago later rose to added prominence and influence in the state, was speaker of the House during this session.

The official formality of canvassing the vote of the last previous election occurred on January 6, and the results were declared as follows:

Governor—William McKinley, Jr., republican, 386,739; James E. Campbell, democrat, 365,228; John Seitz, people's, 23,472; John J. Ashenhurst, prohibition, 20,190.

Lieutenant Governor—Andrew L. Harris, republican, 373,953; William V. Marquis, democrat, 346,892.

Auditor of State—Ebenezer W. Poe, republican, 373,838; Thomas E. Peckinpaugh, democrat, 345,611.

Treasurer of State—William T. Cope, republican, 373,395; Charles F. Ackerman, democrat, 345,847.

Attorney General—John K. Richards, republican, 373,816; John P. Bailey, democrat, 345,245.

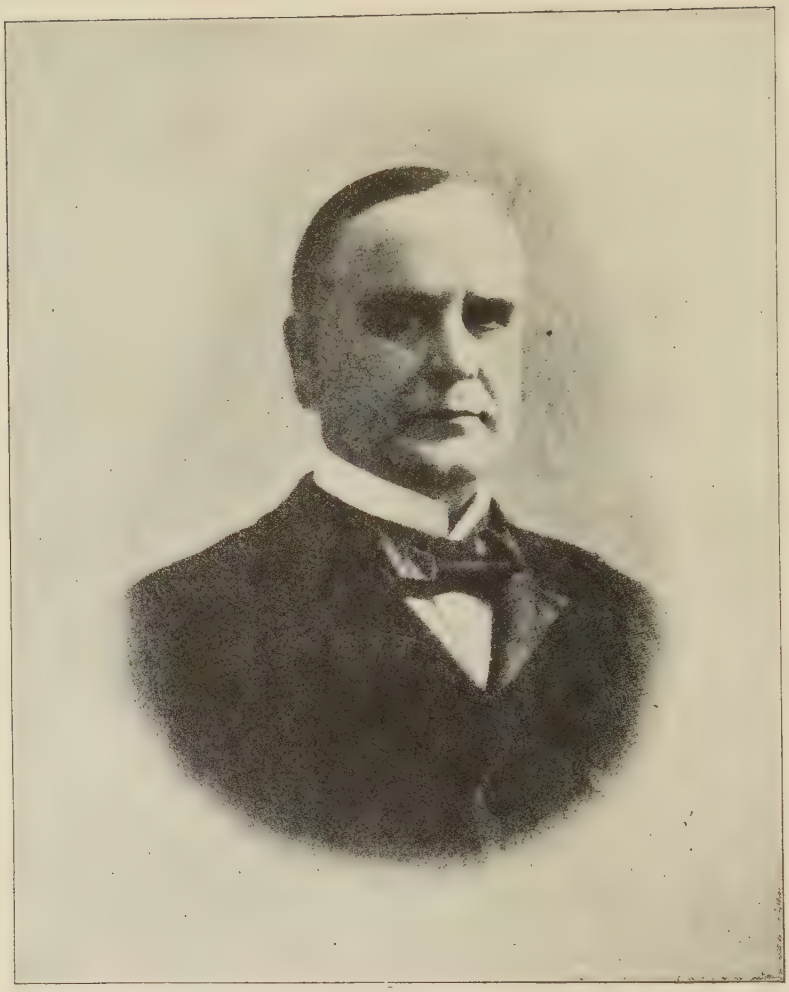
Judge of the Supreme Court—Marshall J. Williams, republican, 373,433; Gustavus H. Wald, democrat, 345,374.

Commissioner of Common Schools—Oscar T. Corson, republican, 373,280; Charles C. Miller, democrat, 345,623.

Member Board of Public Works—Charles E. Groce, republican, 374,136; John McNamara, democrat, 344,704.

Dairy and Food Commissioner—Frederick B. McNeal, republican, 371,677; Ambrose J. Trumbo, democrat, 344,109.

Governor McKinley's inauguration, on January 11, was attended by a large number of people from all parts of the state, but the military



WILLIAM MCKINLEY

Governor January 11, 1892—January 13, 1896. Born January 29, 1843; died September 14, 1901. Member Congress; President of the United States.

parade was limited to a guard of honor consisting of the regiment of Ohio National Guard from his home county—Stark.

The term of United States Senator John Sherman would expire the following year and it was the duty of the General Assembly of 1892 to elect his successor. Sherman was again a candidate, but he had a vigorous and formidable rival in ex-Governor Joseph B. Foraker, and the contest between their respective adherents was spirited. Sherman won in the Republican caucus, receiving fifty-eight votes to fifty-three for Foraker, and he was reelected by a vote of eighteen to eight in the Senate and ninety-three to twenty-nine in the House. The democratic votes were cast for James E. Neal, of Butler County.

The World's Fair at Chicago had been authorized by Congress in 1890 and was now in active preparation. Ohio did not stint in her contribution to the success of this great event. On March 21, 1892, the General Assembly urged that Congress act favorably on a proposal, then before it, to appropriate $5,000,000 to the project. Ohio had a board of managers for the state's part in the exposition, and Daniel J. Ryan resigned his office of secretary of state to become the executive commissioner. The Legislature was liberal in its financial support. An appropriation of $30,000 was made for a monument in the form of a granite column surmounted by a figure representing Ohio as the Roman matron, Cornelia. Circumscribed on the pedestal at her feet were the words: "These are my jewels." Below and around the column on which this figure stood were bronze statues of Generals Grant, Sheridan, Sherman and Garfield, Salmon P. Chase and Edwin M. Stanton. These distinguished Ohioans had risen to eminence in the Civil war. Two afterward attained the presidency of the United States. To this group the statue of Rutherford B. Hayes was added in 1894. This memorial, more than thirty feet high, is now a conspicuous object in the capitol grounds at Columbus, to which location it was removed at the conclusion of the exposition. The Ohio building was an imposing edifice, erected at a cost of $30,000, and the state was adequately represented in many of the departments of the fair.

A "labor law" of importance was passed by the Assembly on April 14, 1892. It made it unlawful for any employer to discharge a working man because of membership in a labor union, and imposed a fine of $100, with imprisonment for six months, for violation of its provisions.

On March 22, 1893, the General Assembly established "central standard time" as official throughout the state. It had been in use on all railroads for some years, but it was now decreed that at noon of April 1, 1893, clocks in all public offices, banks and courts should be set in accordance with the time of the ninetieth degree of longitude west of Greenwich. There was some opposition on the part of individuals to do the same, but eventually the change was generally accepted. Eastern standard time is now established in a large portion of the state.

The republican Legislature of 1892 did not fail to redistrict the state for congressional purposes, undoing the democratic act of the preceding Assembly. As a result a republican majority was restored in the congressional delegations from Ohio.

For the campaign of 1892 state tickets were presented in conventions of the republicans at Cleveland on April 27, of the prohibitionists at Columbus on May 26, of the democrats at Cleveland on June 15, and of the people's party, called "Populists," at Massillon on August 17. The republicans named Myron T. Herrick of Cuyahoga County and Lorenzo Danford of Belmont to be senatorial presidential electors. The men chosen for delegates-at-large to the national convention of the party were as follows: William McKinley, Jr., of Stark County, Asa S. Bushnell of Clark, Joseph B. Foraker of Hamilton, and William M. Hahn of Richland. The district delegates were: George B. Cox, Charles Fleishman, Norman G. Keenan and George B. Fox, all of Cincinnati; William E. Crume of Dayton, Robert C. McKinney of Hamil-

ton, Levi S. Jamison of Celina, James I. Allread of Greenville, Guilford L. Marble of VanWert, Oscar Eaton of Bryan, Erskine Carson of Hillsboro, George W. Stanley of Lebanon, Oliver S. Kelly of Springfield, David I. Worthington of Washington Court House, Cary C. Harris of Findlay, Isaac Newton Vearing of Bellefontaine, William H. Tucker of Toledo, John B. Wilson of Bowling Green, Lucien J. Fenton of Winchester, Samuel Llewellyn of Coalton, John C. Entrekin of Chillicothe, Charles E. Spencer of New Lexington, George K. Nash and Cyrus Huling of Columbus, George C. Gormley of Bucyrus, Wilber C. Brown of Fostoria, William C. Cooper of Mount Vernon, Harry Griffith of Mount Gilead, John H. Riley of Marietta, William A. Johnson of Zanesville, Isaac H. Taylor of Carrollton, George A. Keepers of Beallsville, Martin Luther Smyser of Wooster, William C. Lyon of Newark, Jacob A. Ambler of Salem, George E. Baldwin of Canton, Charles W. F. Dick of Akron, William Ritezel of Warren, Isaac P. Lampson of Cleveland, James A. Allen of Painesville, Louis Black and Amos Dennison of Cleveland.

In their state convention the democrats nominated J. P. Seward of Richland County and H. S. Sternberger of Miami for electors-at-large, and elected ex-Governor Campbell, Senator Brice, Lawrence T. Neal and Robert Blee of Cuyahoga County as delegates-at-large to their national convention.

Ohio was prominent at the Republican National Convention, held in Minneapolis beginning June 7, 1892, in that Governor McKinley was the presiding officer and that ex-Governor Foraker, as chairman of the Committee on Resolutions, read the platform for the approval of the delegates. Only one ballot for the presidential nominee was required, President Harrison being successful by an overwhelming majority. McKinley's name had not been presented for nomination, but in the face of his protest, he received 182 votes, of which forty-four were cast by Ohio. Whitelaw Reid, of New York, was made the candidate for vice president.

Ex-President Grover Cleveland was again nominated by the democrats in national convention at Chicago in the week of June 21. Adlai E. Stevenson, of Illinois, was named for vice president.

The campaign of 1892 was without great interest—particularly on the part of the republicans, who were not enthusiastic over President Benjamin Harrison. In Ohio the democrats very nearly carried the state for Cleveland. Indeed, one democratic elector was actually chosen, the first since 1852. The state's vote on the national election was: Benjamin Harrison, republican, 405,187; Grover Cleveland, democrat, 404,115; John Bidwell, prohibition, 26,012; James B. Weaver, people's party, 14,850. Harrison's plurality, 1,072. The new congressional delegation consisted of eleven republicans and ten democrats.

At the adjourned session of the General Assembly, January, 1893, the canvass of the vote on state officers showed the following results:

Secretary of State—Samuel M. Taylor, republican, 402,540; William A. Taylor, democrat, 401,451; republican plurality, 1,089.

Judge of Supreme Court, long term—William T. Spear, republican, 402,932; John B. Driggs, democrat, 400,955.

Judge of Supreme Court, short term—Jacob F. Burket, republican, 402,847; Thomas Beer, democrat, 401,048.

Clerk of Supreme Court—Josiah B. Allen, republican, 402,888; William H. Wolfe, democrat, 401,018.

Member Board of Public Works—Edwin L. Lybarger, republican, 402,756; John Myers, democrat, 400,784.

Interest in Ohio political affairs greatly revived in 1893, which was again the year for electing a governor. The republicans made the first nominations of the year—in convention at Columbus on June 7 and 8. With great acclaim William McKinley was again nominated without opposition. The platform favored biennial sessions of the General

Assembly and discouraged the holding of "adjourned" sessions. This policy was adhered to for several years thereafter.

The democrats convened in Cincinnati on August 9, nominated a ticket with Lawrence T. Neal at its head, condemned extravagance of the late national administration, and bitterly opposed the McKinley tariff law. The prohibition and people's parties also entered the field again. The campaign was almost exclusively on national issues, and was full of stirring incidents. Both candidates for governor made speeches in all parts of the state and were heard by immense crowds of people. The result of the vote was the greatest victory achieved by either party since the exciting days of war times. McKinley's plurality was over 80,000, and those of all the other republican candidates were above 75,000. The new State Senate stood twenty-six republicans to five democrats, and the House eighty-five republicans to twenty-two democrats.

Seventy-first General Assembly

Regular Session, January 1 to May 24, 1894

Lieutenant Governor Andrew L. Harris was again president of the Senate. Alexander Boxwell, of Warren County, presided as speaker of the House.

The result of usual canvass of the vote on state officers, January 5, was announced as follows:

Governor—William McKinley, republican, 433,342; Lawrence T. Neal, Democrat, 352,347; Gideon P. Macklin, prohibition, 22,406; Edward J. Bracken, populist, 15,563. McKinley's plurality, 80,995.

Lieutenant Governor—Andrew L. Harris, republican, 423,873; William A. Taylor, democrat, 347,593.

Treasurer of State—William T. Cope, republican, 422,483; Brisbin C. Blackburn, democrat, 346,849.

Judge of Supreme Court—Joseph P. Bradbury, republican, 422,256; John W. Sater, democrat, 346,823.

Attorney General—John K. Richards, republican, 422,449; John P. Bailey, democrat, 346,707.

Member Board of Public Works—Frank J. McColloch, republican, 422,349; Louis B. Wilhelm, democrat, 346,717.

Dairy and Food Commissioner—Frederick B. McNeal, republican, 422,018; Patrick McKeown, democrat, 345,224.

At the session of the Assembly the highly interesting and important act was taken which extended to women a limited power to vote—the first in the history of the state, in which full and equal suffrage had been urgently advocated for many years by a small but persistent number of women. The law was dated April 24, 1894, and was entitled: "An act to secure a voice in school affairs to the women of Ohio on equal terms with men." The first section was as follows:

"Be it enacted by the General Assembly of the State of Ohio, That every woman born or naturalized in the United States, of the age of twenty-one years and upward, who shall have been a resident of the state one year, and of the county, town, township or other election district such time as the law provides for men preceding any election held for the purpose of choosing any school director, member of the board of education or school council under the general or special laws of the state, shall be entitled to vote and be voted for at such election for any such office or officers."

An act by this Assembly has been of incalculable benefit to the people of Ohio. Medical science had demonstrated that many blind people might have been saved their sight by proper care immediately after birth. At the instance of the medical profession the Assembly, on March 16, 1894, passed "An act for the prevention of blindness in the State of Ohio." It provided that "should one or both eyes of an infant

become inflamed or swollen or show any unnatural discharge at any time within ten days after its birth, it shall be the duty of the midwife, nurse or relative having charge of such infant, to report in writing within six hours to the physician in attendance upon the family or, in the absence of an attending physician, to the health officer of the city, village or township in which the infant is living at that time * * * the fact that such inflammation, swelling or unnatural discharge exists." This act also provided for proper treatment in all such cases.

One of the noted events of Governor McKinley's second administration was a riotous outbreak at Washington Court House, Fayette County, extending over the two days of October 16 and 17, 1894. The previous week a young negro, known as Jasper Dolby, had committed a heinous crime at Parret's Station in that county. He had fled, but was apprehended in Delaware, and on October 16 a Fayette County officer conveyed him to the county seat and locked him in the jail. A mob gathered, composed largely of country people who lived near Parret's Station, with the purpose of lynching him. Governor McKinley was informed of the situation and immediately sent two companies of the Fourteenth Regiment from Columbus to cope with it. The next day the soldiers, with great difficulty, took Dolby from the jail to the courthouse, where he was hastily indicted, arraigned, and, on his plea of guilty, sentenced to twenty years' imprisonment in the penitentiary. Notwithstanding this prompt action, the mob, which had now grown to more than 1,000 men, determined to end his life at once. They made an attack upon the building where the prisoner was held, in the court room. Soldiers inside guarded all of the courthouse doors, under orders from their commanding officer, Col. A. B. Coit, to open fire on the rioters should they succeed in breaking in. The crowd was clearly warned of this fact from a balcony over the main entrance, but with a large beam of wood they partially battered in one of the doors, and the soldiers fired on them. Two were killed on the spot, two more were mortally wounded and died shortly afterwards, and almost a score were injured in lesser degree. This act of the soldiers quelled the riot at once, but threats were made of a resumption of it the next day. Several hundred more troops arrived during the night and under their guard the convicted prisoner was conducted through a great menacing throng to a train, and thence to the penitentiary in Columbus.

Many people of Fayette County were incensed against Colonel Coit for ordering his men to fire on the crowd, and the grand jury indicted him for manslaughter. His trial was held, under change of venue, in Pickaway County, and it continued through almost four months, but the jury acquitted him with but a few moments' deliberation, and the Legislature at the next session compensated Colonel Coit for the heavy expense he had incurred. Governor McKinley, although greatly deploring the loss of life incident to the riot, unequivocally approved the finding of the jury. "Lynching cannot be tolerated in Ohio," he said. "The law of the state must be supreme over all, and the agents of the law, acting within the law, must be sustained."

On June 5, 1894, the republican state convention was held in Columbus to nominate candidates for secretary of state, judge of the Supreme Court, commissioner of common schools and member of the Board of Public Works. Ex-Governor Foster was the chairman. Nearly all the incumbents of the offices were renominated by acclamation, but three ballots were necessary to make choice of a candidate for supreme judge, the honor falling to John A. Schauck of Montgomery County, who became one of the eminent jurists of the state.

The democratic state convention met in Columbus on September 19, and nominated all their candidates by acclamation or on the first ballot. Again the populists and prohibitionists presented candidates and they polled an unusually large number of votes.

At the election in November the democrats polled 127,000 votes

McKinley Monument

fewer than were cast for Cleveland two years before, and that the republican candidates received about 8,000 more than had been given for Harrison. They won by the largest pluralities ever given candidates of either party in the state—more than 135,000. They also carried an unprecedented number of congressional districts—nineteen out of twenty-one.

The General Assembly, under the new policy of holding no adjourned sessions, did not make a canvass of the election returns of 1894, but the official figures are as follows:

Secretary of State—Samuel M. Taylor, republican, 413,988; Milton Turner, democrat, 276,902; Charles R. Martin, populist, 49,495; Mark G. McCaslin, prohibition, 23,237. Taylor's plurality, 137,086.

Judge of the Supreme Court—John A. Schauck, republican, 410,011; James D. Ermston, democrat, 274,635.

Commissioner of Common Schools—Oscar T. Corson, republican, 411,043; James A. Leach, democrat, 273,266.

Member Board of Public Works—Charles E. Groce, republican, 410,448; Harry B. Keffer, democrat, 274,119.

A fifth party organization entered the political contest of 1895—known as the socialist-labor party. It nominated a full list of candidates, from governor down to member of the board of public works, as did also the populists and prohibitionists.

The republicans, at Zanesville on May 28, held a strenuous convention in which there was a vigorous contest for almost every nomination. Eight candidates strove for gubernatorial honors, and it required six ballots to decide upon Asa S. Bushnell, of Springfield. Walter D. Guilbert, of Noble County, defeated five others in the contest for the nomination for state auditor. Among those defeated was Charles W. F. Dick, of Akron, who afterwards became a United States Senator, and who for many years was the manager of republican campaigns in Ohio. There were also seven candidates for attorney-general and six for treasurer of state. The democrats nominated their ticket at Springfield on August 21. Ex-Governor Campbell, against his will, was again made the candidate for governor.

The main thought of the people, including many thousands of democrats, was that President Cleveland's administration was unsatisfactory to all classes, and the democratic candidates were accordingly greatly handicapped. The republicans were again successful by immense pluralities—almost 100,000. The new State Senate contained thirty-one republicans, six democrats and one populist; the House eighty-seven republicans and twenty-five democrats.

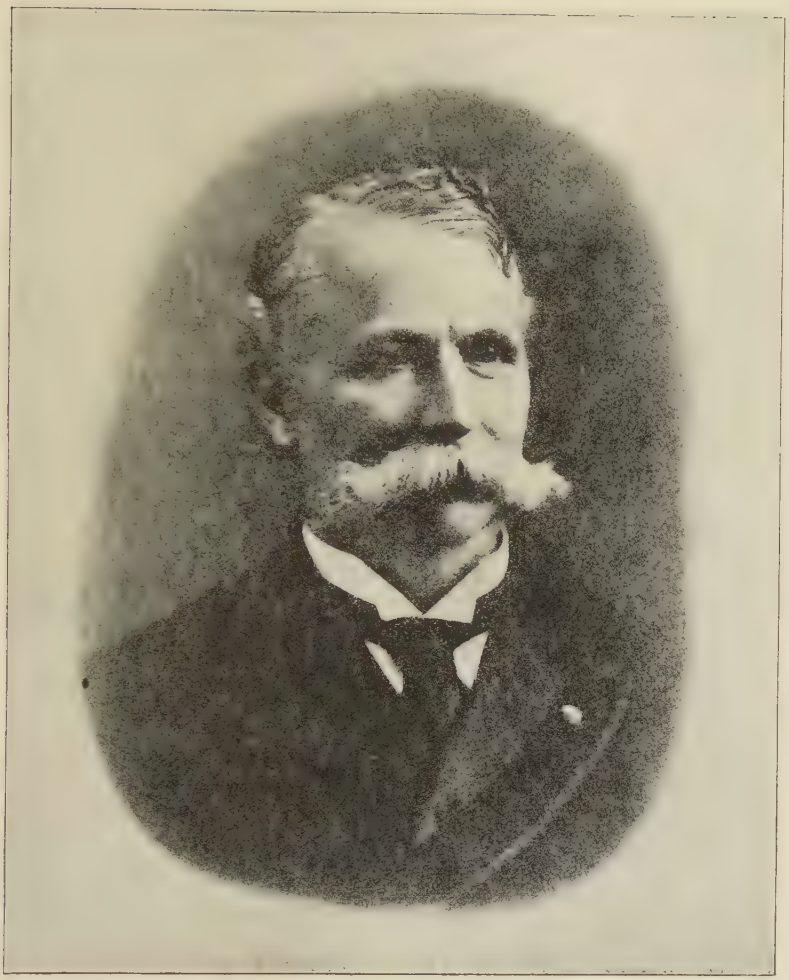
An event in the first year of the administration of Governor McKinley, not regarded by the citizens of the state at the time as noteworthy or important, was the organization of the Anti-Saloon League, in Oberlin, Ohio. It was the culmination of a movement to organize against the liquor traffic on a non-partisan basis. The movement, under its suggestive and wisely chosen name, soon rose to prominence and power. In 1895 it became national in the scope of its activities, actual and contemplated. Though non-partisan, it became a power in politics with which parties and candidates were soon compelled to reckon. The Anti-Saloon League's first president, Dr. Howard H. Russell, is still living in Westerville, Ohio, the headquarters of the Anti-Saloon League of America.

ADMINISTRATION OF GOVERNOR ASA S. BUSHNELL

Seventy-second General Assembly

Regular Session, January 6 to April 27, 1896

The newly elected lieutenant governor, ex-officio president of the Senate, was Asahel W. Jones. An interesting new face among the



Asa S. Bushnell

Governor January 13, 1896—January 8, 1900. Born September 16, 1834; died January 15, 1904.

senators was that of James R. Garfield, son of the martyred President James A. Garfield. David L. Sleeper, of Athens County, was elected the new speaker of the House of Representatives.

The canvass of the 1895 election officially recorded the number of votes received by the candidates as follows:

Governor—Asa S. Bushnell, republican, 427,141; James E. Campbell, democrat, 334,519; Jacob S. Coxey, populist, 52,675; Seth H. Ellis, socialist-labor, 1,867. Bushnell's plurality, 92,622.

Lieutenant Governor—Asahel W. Jones, republican, 425,871; John B. Peaslee, democrat, 331,521.

Auditor of State—Walter D. Guilbert, republican, 427,457; John W. Knott, democrat, 329,400.

Treasurer of State—Samuel B. Campbell, republican, 427,706; William B. Shober, democrat, 329,209.

Attorney-General—Frank S. Monett, republican, 427,485; George A. Fairbanks, democrat, 329,252.

Judge of Supreme Court—Thaddeus A. Minshall, republican, 427,809; William T. Mooney, democrat, 328,970.

Clerk of the Supreme Court—Josiah B. Allen, republican, 430,869; John W. Cruikshank, democrat, 331,188.

Member Board of Public Works—Edwin L. Lybarger, republican, 430,599; Harry B. Keffer, democrat, 331,341.

It was well known that ex-Governor Foraker was to be the next United States Senator from Ohio, to succeed Calvin S. Brice, whose term would expire the following year. The election was without contest. Governor Foraker received the 116 republican votes of the two houses. The democrats were somewhat divided, twenty-seven votes being cast for Senator Calvin S. Brice and one each for John H. Thomas, Isaac Kagy, Edwin J. Blandin, Lawrence T. Neal and George A. Groat.

The members of the General Assembly were not unmindful that the state was approaching the one hundredth anniversary of its birth and it now took a step intended to provide for a fitting centennial celebration of that important event. On February 19, 1896, a joint resolution was adopted with a preamble setting forth "a widespread feeling on the part of the people of the state, favorable to the observance of the one hundredth anniversary of the admission of Ohio into the Union" and setting forth the "marvelous growth, development and civilization of the commonwealth."

The resolution provided that there should be appointed by the governor, as soon as practicable, a commission of seven men to formulate a plan and devise ways and means for the due observance of the centennial year, 1903. On March 30 of the following year, 1897, another joint resolution recited that no report had been received from the commission thus provided and requested the governor to inform the commission that a report would be expected within one week. On April 26 a law was passed determining that a "grand exposition" should be held in Toledo from June 15 to October 15, 1903, and authorized the governor to appoint a new commission of twenty-one members, one from each congressional district, to examine the ground on which it was proposed to hold such exposition and to investigate the whole subject in all its details. An appropriation of $5,000 was carried in the act to pay the preliminary expenses. The Assembly also authorized the City of Toledo to lease property for the purpose and to issue $150,000 bonds to cover cost of erecting buildings and making the other necessary provisions. There followed extensive negotiations of various kinds, and Congress was asked to appropriate $1,000,000 in support of the enterprise. But the grand exposition never materialized, and the project was suddenly brought to an end in the administration of Governor Nash.

Governor Asa S. Bushnell was a business man of large and successful experience. He brought to office a ripe knowledge of the

practical principles that he had applied in the management of one of the largest manufacturing concerns of the state. He was ambitious chiefly to give the state a good business administration. He was noted for his charities and the benevolent institutions were the objects of his early interest.

He found the financial affairs of Ohio in a rather unsatisfactory condition. Frequently in past administrations it had been necessary to make advance drafts on the counties to meet the current expenses of the state whose needs were growing and whose indebtedness was still in part unpaid, with no additional sources of revenue in sight. He recommended to the General Assembly the levying of a tax on corporations to meet the requirements of the state treasury.

Early in the session following his inauguration, two bills were introduced to accomplish this purpose. One of these, passed March 16, 1896, provided for an excise tax of "one-half of one percentum" on the gross earnings of "electric light, gas, pipe-line waterworks, street-railroad, railroad, and passenger or signal companies." The other act, passed March 30 of the same year, provided for a tax on the value of the capital stock "of freight lines and equipment companies."

The increased revenues from these sources enabled the state to meet all legitimate demands, rapidly reduce its indebtedness and maintain a growing surplus in the treasury. In the language of Dr. George K. Knight, "It was the unqualified success of this class of taxes that made possible the more recent propositions of his successor, to abolish altogether the direct property tax for state purposes."

On April 22 a law was enacted providing for the appointment by the governor of a library commission to have charge of the state library.

Five days later an act was passed "to provide for the improvement of the state house." The governor, a judge of the Supreme Court, the president of the Senate, the speaker of the House of Representatives and the adjutant-general were to choose plans. A building commission appointed by the governor was to proceed with the work, for which an aggregate of $400,000 was appropriated. Plans were submitted, but the "improvement" was not made, ostensibly because of a defect in the act, but chiefly, it is said, because of the expense involved, "which was likely to exceed ultimately $1,000,000."

The political campaign of 1896 was of unusual interest to the people of Ohio because this state had a favorite son as a candidate for president of the United States. The contest really had its beginning in 1895 since the friends of the men ambitious to attain the great goal began to organize in their behalf almost a year before the National Republican Convention was to be held. It was expected that there would be but one real issue—the tariff, and on that issue the name of the author of the McKinley Tariff Act was by far the best known throughout the country.

The republican delegates of Ohio met in state convention in Columbus on March 10, 1896, nominated a state ticket, and elected Asa S. Bushnell, Joseph B. Foraker, Charles H. Grosvenor and Marcus A. Hanna delegates-at-large to the national convention, with instructions to vote and work for the nomination of William McKinley as the party's candidate for president. Isaac F. Mack of Sandusky and Albert Douglas of Ross County were designated as the candidates for electors-at-large. The district delegates to the convention were as follows: George B. Cox, Thomas W. Graydon, John A. Caldwell and Andrew Hickenlooper, all of Cincinnati; Robert Wilson of Middletown, William E. Crume of Dayton, George R. Davis of Wapakoneta, James I. Allread of Greenville, John M. Sheets of Ottawa, M. E. Lose of Napoleon, William B. Harrison of Xenia, Edward J. West of Wilmington, George W. Wilson of London, Howard E. Jones of Circleville, George M. Eichelberger of Urbana, James C. Howe of Kenton, George H. Ketcham of Toledo, John M. Longnecker of Wauseon, Albert C. Thompson of

Portsmouth, John K. Richards of Ironton, David Meade Massie of Chillicothe, Jeremiah L. Carpenter of Carpenter, Charles L. Kurtz and Henry C. Taylor of Columbus, Linn W. Hall of Sandusky, George D. Copeland of Fremont, Arthur L. Garford of Elyria, Jacob Cohn of Ashland, James R. Barr of Cambridge, David Miller of Caldwell, Joseph J. Gill of Steubenville, David Cunningham of Cadiz, George A. Hay of Coshocton, William H. Stoutt of Uhrichsville, Caleb E. Wick of Youngstown, William L. Smith of East Liverpool, Frank E. Hutchins of Warren, Charles W. F. Dick of Akron, and Andrew Squire, Robert M. McDowell, Myron T. Herrick and Sylvester T. Everett, all of Cleveland.

The convention of the democratic state delegates occurred at Columbus on June 23 and 24. It nominated a ticket for state officers and sponsored Thomas E. Powell and Jacob Fechheimer for presidential electors-at-large. The "big four" delegates-at-large to the national convention were John R. McLean of Hamilton County, L. E. Holden of Cuyahoga, E. B. Finley of Crawford, and A. W. Thurman of Franklin. The Democratic National Convention met at Chicago on July 7, 1896. Those favorable to unlimited coinage of silver at a ratio of sixteen to one were largely in the ascendency. Upon the presentation of the silver plank in the platform before the convention a very spirited debate occurred, and in this passage at arms William Jennings Bryan, a delegate from Nebraska, delivered a dramatic address which included two sentences that made him famous: "You shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon a cross of gold." The effect of this outburst was to electrify the throng and to make Bryan the nominee of the convention, although he had not previously been seriously considered in connection with the presidency. Arthur Sewell, of Maine, was made the candidate for vice president.

The Republican National Convention at St. Louis held its first session on June 16. Senator Foraker of Ohio again reported the platform as chairman of the Committee on Resolutions. It was adopted after a determined attempt had been made by far western delegates to defeat the plank against free silver. The names presented for the presidential nomination were William B. Allison of Iowa, Thomas B. Reed of Maine, Levi P. Morton of New York, Matthew S. Quay of Pennsylvania, and William McKinley of Ohio. The nomination was made on the first ballot—McKinley, 661½ votes; Reed, 84½; Quay, 61½; Morton, 58, and Allison, 35½. Garret A. Hobart of New Jersey was made the candidate for vice president.

The campaign in Ohio was unique in that McKinley's part in it consisted entirely in addressing, almost daily, large crowds who went to Canton to visit him at his home. These front porch speeches were made to more than 750,000 people. Bryan, who was remarkable as an orator, made a whirlwind campaign throughout the eastern part of the country, including Ohio. The currency question was his principal theme, and it was forced upon the republicans even to some extent at the expense of the tariff issue, although they pressed that issue and McKinley made it a prominent subject in all his addresses. Mark Hanna was chairman of the National Republican Committee. He had been largely instrumental in bringing about the nomination of McKinley, and his powers of organization were apparent in a wonderful way throughout the campaign.

Major McKinley was elected president by a decisive vote. He carried Ohio by 51,109 plurality. The state ticket was elected by substantially the same vote and the republicans elected fifteen of the twenty-one congressmen for the state. The official figures of the vote cast were:

President—William McKinley, republican, 525,991; William J. Bryan, democrat, 474,882; Joshua Levering, prohibition, 5,068; Charles

E. Bentley, national, 2,716; John M. Palmer, national democratic, 1,858; Charles H. Matchett, social labor, 1,165.

Secretary of State—Charles Kinney, republican, 525,000; Chilton A. White, democrat, 473,462; Samuel H. Rockhill, prohibition, 5,469; Wesley C. Bates, national, 3,382; Daniel W. Wallace, social labor, 1,234.

Judge of the Supreme Court—Marshall J. Williams, republican, 525,084; Everett D. Stark, democrat, 473,094.

Member Board of Public Works—Frank A. Huffman, republican, 525,144; William Beaumont, democrat, 473,202.

Dairy and Food Commissioner—Joseph E. Blackburn, republican, 525,353; Thomas J. Creager, democrat, 472,834.

In 1897 the republicans of the state met in convention at Toledo on June 23. Mark Hanna, who had been appointed United States Senator by Governor Bushnell, upon the resignation of Senator Sherman when appointed secretary of state in President McKinley's cabinet, was now firmly established as the great leader of the party, and he controlled the destinies of the candidates before this convention. Asa S. Bushnell, of Springfield, was renominated for governor. The democrats, at Columbus on June 29, nominated Horace L. Chapman, a capitalist and mine owner, and endorsed free silver. This was greatly opposed by a large wing of the party which adhered to the gold standard, and it registered its disapproval of the silver fallacy. Its movement was known under the party name of National Democrats.

The campaign divided public interest with a great strike of 200,000 coal miners in Ohio and other states, which caused great distress and widespread apprehension of violent consequences, but the canvass for votes was very active nevertheless. The candidates made speaking tours into all corners of the state, as did many leaders from other states. Conspicuous among these were United States Senators John M. Thurston of Nebraska and Knute Nelson of Minnesota for the republicans, and William Jennings Bryan, who made an active campaign for the democrats. It was a rush from the beginning and the republicans were again victorious by pluralities ranging around 25,000.

Seventy-third General Assembly

Regular Session, January 3 to April 25, 1898

Again Asahel W. Jones was lieutenant governor and ex-officio president of the Senate. Representative Harry C. Mason, of Cuyahoga County, was speaker of the House.

The usual canvass of votes cast in the preceding election showed:

Governor—Asa S. Bushnell, republican, 429,915; Horace L. Chapman, democrat, 401,750; Jacob S. Coxey, people's party, 6,276; John C. Holliday, prohibition, 7,555; Julius Dexter, national democrat, 1,662; William Watkins, social labor, 4,246; Samuel J. Lewis, negro protection, 477; John Richardson, liberty, 3,105.

Lieutenant Governor—Asahel W. Jones, 427,966; Melvin D. Shaw, democrat, 400,946.

State Treasurer—Samuel B. Campbell, republican, 427,521; James W. Wilson, democrat, 401,024.

Attorney-General—Frank S. Monett, republican, 427,337; William H. Dore, democrat, 401,338.

The session of this Assembly was marked by a sharp contest over the election of a United States Senator to fill the vacancy caused by Senator Sherman's resignation to become President McKinley's secretary of state. As before noted, Governor Bushnell appointed Marcus A. Hanna to the position, to serve until the General Assembly should be in session and elect. Hanna was a candidate for the election, not only for the unexpired term but for the full term to follow. In this he was opposed by Mayor Robert E. McKisson of Cleveland, also a

republican, who secured pledges from a number of the republican legislators, and the party controversy became an extremely bitter one. Charges of bribery and corruption were freely made, and intense personal animosity was engendered. Hanna was elected in joint session January 12, by a very narrow margin. This was the most strenuous and spectacular factional contest ever staged in Ohio. The student who takes this as the theme for a monograph will find a wealth of illuminating material in the newspapers of the state, almost all of which were drawn into the controversy.

The General Assembly took cognizance of the fact that the name "Ohio" was not borne by any United States naval vessel, and on March 17, 1898, adopted a joint resolution requesting that Congress give that name to one of the great battleships then under construction. The resolution reminded Congress that "the State of Ohio, by virtue of her history and progress in all that contributes to the good name and glory of a member of the American Union, has earned the rank she now enjoys." Also that "in the hours of our country's peril Ohio's brave sons and daughters have ever done their utmost to protect our flag and sustain the strength of the government." Congress responded to this petition by conferring the name "Ohio" upon one of the finest of the new battleships. It was built in San Francisco and launched May 18, 1901. After a highly honorable and useful career it was scrapped on April 16, 1923, in accordance with the international agreement on limitation of naval armaments, and the magnificent silver service of the Ohio was, on July 1, 1924, transferred to the museum of the Ohio State Archæological and Historical Society in Columbus, where this beautiful and interesting exhibit is enclosed in a large, handsome glass cabinet.

A law which mirrored the prevalence of bicycling in 1898, and which now is interesting because it is archaic, was passed April 26 of that year. It required that in the larger cities the sprinkling of streets should be done in such a way as to leave dry strips not more than four feet wide for the use of bicyclers, and that they should have the right of way over these dry strips at all times. Another act, dated April 21, 1898, required licenses for all bicycles, the fee of $1 each to be used wholly in constructing bicycle paths on, or along the side of, country highways. But the myriads of bicycles vanished a few years later and the dry strips and special paths disappeared with them.

The advent of the war with Spain, early in 1898, became the all-absorbing subject of popular interest. Ohio, as in all previous wars, was alive with patriotic ardor, and more than met all demands of the national government. The General Assembly was still in session when, on April 19 and April 23, the breach with Spain was made by Congress. On April 1, while the whole country was seething with excitement over the destruction of the battleship Maine in Havana harbor, the Legislature adopted a joint resolution endorsing the stand taken by Senator Foraker in Congress in favor of the freedom and independence of Cuba. The Ohio resolution was as follows:

"Whereas, Ohio's distinguished Senator, Joseph Benson Foraker, has introduced into the Senate of the United States resolutions recognizing the independence of the republic of Cuba and authorizing and directing the President of the United States to use, if necessary, the entire land and naval forces of the United States to carry these resolutions into effect; and

"Whereas, The people of Ohio, without regard to party or faction, believe that the hour for intervention and the independence of Cuba is at hand; therefore

"Be it resolved by the General Assembly of the State of Ohio, That we most heartily endorse the action of Senator Foraker and urge him to do promptly everything in his power to secure the adoption of the

aforesaid resolutions, to the end that barbarous warfare shall cease in the island and Cuba shall be free."

Two calls were made on Ohio for soldiers, existing military organizations to be given preference. If these calls had not been limited, and had been for general volunteers, the state would doubtless have furnished ten times the number of men who were actually enlisted. The best estimate, in absence of official figures, of the numbers of soldiers and officers from Ohio is as follows: Infantry, 13,432; cavalry, 847; light artillery, 736; in marine corps, signal corps, hospital corps, engineers, etc., 1,978. Total, 16,993. This number was approximately 2,000 in excess of the actual quota of the state.

The organizations, names of their commanding officers, and locations of their headquarters are herewith given:

First Regiment—Col. Charles B. Hunt commanding. Headquarters at Cincinnati.

Second Regiment—Col. J. A. Kuert commanding. Headquarters at Kenton. Companies: A, of Findlay; B, of Upper Sandusky; C, of Lima; D, of VanWert; E, of Tiffin; F, of Bellefontaine; G, of Kenton; H, of Bloomdale; I, of Kenton; K, of North Baltimore; L, of Wapakoneta; M, of Paulding.

Third Regiment—Col. Charles Anthony commanding. Headquarters at Springfield. Companies: A, of Covington; B, of Springfield; C, of Gettysburg; D, of Urbana; E, of London; F, of Hillsboro; G, of Dayton; H, of Ripley; I, of Dayton; K, of Piqua; L, of Sidney; M, of Sabina.

Fourth Regiment—Col. A. B. Coit commanding. Headquarters at Columbus. Companies: A, B and C, of Columbus; D, of Marysville; E, of Washington C. H.; F, of Columbus; G, of Marion; H, of Portsmouth; I, of Lancaster; K, of Delaware; L, of Mount Vernon; M, of Circleville.

Fifth Regiment—Col. C. L. Kennon commanding. Headquarters at Cleveland. Companies: A, of Lorain; B and C, of Cleveland; D, of Berea; E, of Geneva; F, of Cleveland; G, of Norwalk; H, of Youngstown; I, K and L, of Cleveland; M, of Bainesville.

Sixth Regiment—Col. W. V. McMaken commanding. Headquarters at Toledo. Companies: A, of Toledo; B, of Sandusky; C, of Toledo; E, of Bryan; F, of Napoleon; G, of Wauseon; H, of Toledo; I, of Clyde; K, of Fremont; L, of Toledo; M, of Defiance.

Seventh Regiment—Col. A. L. Hamilton commanding. Headquarters at Chillicothe. Companies: A, of New Lexington; B, of Athens; C, of Gallipolis; D, of Lower Salem; E, of New Matamoras; F, of Coshocton; G, of Newark; H, of Chillicothe; I, of Ironton; K, of Hebron; L, of Middleport; M, of Dennison.

Eighth Regiment—Col. C. V. Hard commanding. Headquarters at Wooster. Companies: A, of Bucyrus; B, of Akron; C, of Polk; D, of Wooster; E, of East Liverpool; F, of Canton; G, of Wadsworth; H, of Shreve; I, of Canton; K, of Alliance; L, of Canton; M, of Mansfield.

Ninth Battalion Colored Infantry—Major Young commanding. Headquarters at Columbus. Companies: A, of Springfield; B, of Columbus; C, of Xenia; D, of Cleveland.

First Light Artillery—Maj. Charles T. Atwell commanding. Headquarters at Zanesville. Batteries: A, of Cleveland; B, of Cincinnati; C, of Zanesville; D, of Toledo; E, of Springfield; F, of Akron; G, of Newark; H, of Columbus.

First Regiment of Cavalry—Lieut.-Col. Matthias W. Day commanding. Headquarters at Cleveland. Troops: A, B and C, of Cleveland; D, of Columbus; E, of Toledo; F, of Dayton; G, of Marysville; H, of Cincinnati.

Tenth Regiment—Col. Henry A. Axline. Organized at Camp Bush-

nell, Columbus, from companies made up at Columbus, Toledo, Cleveland, Cincinnati, Zanesville, and other points in the state.

Political activities in 1898 started with the republican convention in Columbus on June 21. The Hanna-McKisson contest was renewed and fought out there, Hanna retaining his control. A ticket was named, again headed by Secretary of State Charles Kinney, whose term was about to expire. The democrats met at Dayton on August 23, nominated their state ticket, and again endorsed free silver and the democratic national platform of 1896. Candidates were also named by the prohibitionists, the social laborites, and the union reformers.

The campaign was a comparatively quiet one. The republicans again won, their pluralities being over 60,000. The detailed vote follows:

Secretary of State—Charles Kinney, republican, 408,213; Upton K. Gutherey, democrat, 347,074; Thomas Brown, prohibition, 7,089; John E. Flynn, social labor, 5,793; James A. Graft, union reform, 19,911.

Judge of the Supreme Court—William T. Spear, republican, 408,879; Hugh L. Nichols, democrat, 345,883.

Member Board of Public Works—Washington G. Johnston, republican, 408,220; T. Dwight Paul, democrat, 346,354.

Clerk Supreme Court—Josiah B. Allen, republican, 407,900; David S. Fisher, democrat, 346,459.

Dairy and Food Commissioner—Joseph E. Blackburn, republican, 388,885; John Baker, democrat, 362,478.

A street railway strike in Cleveland in the year 1899 assumed serious proportions. It extended from June to December and was attended with great bitterness and violence. The local militia and police were unable to handle the situation alone, and national guard regiments from other parts of the state were called in. It gradually subsided, but during its continuance it was the source of untold inconvenience and real suffering to the public, and was disastrous in its effects on business.

The political campaign of the year was of unusual interest because of the entrance into it of Samuel M. Jones, who had long been mayor of Toledo and was famous throughout the country under the title of "Golden Rule Jones." While he did not make a great impression, he received far more votes than had been cast for any of the minor party candidates before.

The republican delegates to the state convention met in Columbus on June 2, 1899, and nominated for governor, George K. Nash, who had grown to large political stature since that day in 1877 when he was defeated for attorney-general. The democrats, at Zanesville on August 29 and 30, nominated John R. McLean, proprietor of the Cincinnati Enquirer, one of the most potent democratic organs, as it was one of the greatest newspapers, in the country. In addition, there were the usual prohibition and socialist tickets, and also one by the union reform party, successor of the several other new parties which had been born within the few preceding years.

It is worthy of note that in this campaign Warren G. Harding made his first essay into the political field, being the republican candidate for state senator in the Marion district. It would have required a vivid imagination at that time to picture the young newspaper editor as a future president of the United States.

The election gave the republicans another victory, the pluralities favorable to their candidates approximating 50,000. The detailed official figures were:

Governor—George K. Nash, republican, 417,199; John R. McLean, democrat, 368,176; Seth H. Ellis, union reform, 7,999; George Hammill, prohibition, 5,825; Robert Bandlow, social labor, 2,439; Samuel M. Jones, non partisan, 106,721.

Lieutenant Governor—John A. Caldwell, republican, 428,304; Abraham W. Patrick, democrat, 415,584.

Auditor of State—Walter D. Guilbert, republican, 446,239; George W. Sigafoos, democrat, 398,396.

Treasurer of State—Isaac B. Cameron, republican, 445,764; James I. Garman, democrat, 399,721.

Attorney-General—John M. Sheets, republican, 445,105; William H. Dore, democrat, 400,036.

Judge of Supreme Court—William Z. Davis, republican, 445,612; DeWitt C. Badger, democrat, 399,299.

Board of Public Works—Frank A. Huffman, republican, 446,005; Fletcher D. Molin, democrat, 398,335.

Governor Bushnell's second administration had been an eventful one. It included the period of the war with Spain. As war governor he brought to the service of the state the experience of a Civil war veteran, and the business sagacity developed in handling large affairs through succeeding years. Politically his later term had in it more of storm than sunshine. Factional feeling ran high, but he did not permit it to sway him from his conception of his duty to the people. He set a high standard in the administration of state affairs and left in the treasury a larger surplus than it had ever before shown.

ADMINISTRATION OF GOVERNOR GEORGE K. NASH

Seventy-fourth General Assembly

Regular Session, January 1 to April 16, 1900

The Senate at this session was presided over by John A. Caldwell, lieutenant governor and president ex-officio, and Arlington G. Reynolds, of Lake County, presided over the House as speaker. The political division of the Senate was twenty republicans to eleven democrats, and the House sixty-four republicans and forty-three democrats.

The General Assembly desired that the state be officially represented at the great international exposition to be held in Paris in this year, and it authorized Governor Nash to appoint six citizens of the state to go to that world show in an official capacity—three men and two women for the state at large and one man on behalf of the department of work shops and factories. They were, however, to receive no salaries and were to pay their own expenses.

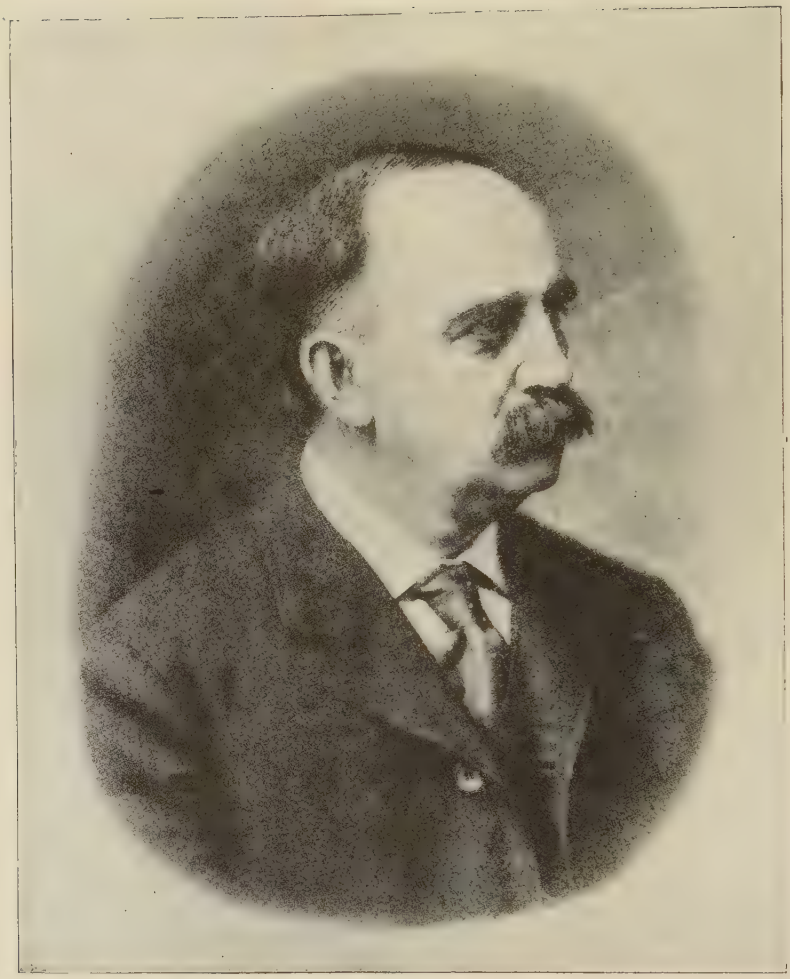
An incident of this session demonstrated in an interesting way the change of the popular attitude concerning the Civil war and the South. When, in 1888, it had been proposed that Confederate flags captured by Union regiments should be returned, there had been a great outcry against it, and Governor Foraker had received great praise for his emphatic answer, "No rebel flags shall be returned while I am governor." But now a joint resolution of the General Assembly displayed exactly the opposite sentiment, doubtless due in large part to the fact that in the Spanish-American war soldiers from North and South had fought side by side in a common cause against a common foe. The resolution was dated April 12, 1900, and was as follows:

"Whereas, A memorial has been presented to the senate and house of representatives by the survivors of the Forty-sixth Ohio veteran volunteer infantry asking for power to return the flag and banner of the Twentieth Louisiana confederate regiment; and

"Whereas, This nation now recognizes no north, no south, no east, no west, but fraternity and good will everywhere; therefore,

"Be it resolved, That the governor of Ohio is hereby authorized and empowered to withdraw from the relic room of the capitol building and deliver to the survivors of the Forty-sixth Ohio Volunteer Infantry, the flag and banner of the Thirtieth Louisiana Confederate Infantry, in accordance with the petition and memorial."

On April 16, 1900, a legislative resolution assigned rooms in the new judiciary building of the state house, popularly called the "Annex,"



George K. Nash

Governor January 8, 1900—January 11, 1904. Born August 14, 1842; died October 28, 1904. Prosecuting attorney; attorney-general Ohio; member Supreme Court Commission.

which had been provided for a few years previously, as previously noted, and which was just now completed at a total cost of $400,000. It devoted the entire third floor to the Supreme Court and furnished space to the agricultural, legal and other departments, which had been greatly crowded in their former quarters.

The great American hero of 1900 was Admiral George Dewey, who had commanded the American squadron in the victory of Manila Bay on May 1, 1898, and who in this year made a tour of the country. He was everywhere received with adulation, millions of people participating in showering honors upon him. On April 16 the Legislature appropriated $11,240 to meet the expenses of the Ohio National Guard in the Ohio demonstration. This took place in Columbus on June 6 and 7, in conjunction with a large reunion of soldiers and sailors. The famous admiral was applauded by enormous crowds of people gathered from all parts of the state.

The federal decennial census again revealed the continued rapid growth of the population of Ohio. During the ten years since the last enumeration the number of people had increased by 455,216—from 3,672,329 in 1880 to 4,157,545 in 1900. This total was almost one hundred fold more than that of a century before, when the state had begun to consider asking to be admitted as a member of the Union. The 1900 census showed that there were in the state 96,901 colored people, 371 Chinese, twenty-seven Japanese and forty-two civilized Indians, mingled with the white population. Cleveland had surpassed Cincinnati in number of inhabitants and had become the sixth largest city in the United States. There had also been marked increases in other cities of Ohio, the ten largest now being in the following order: Cleveland, 381,768; Cincinnati, 325,902; Toledo, 131,822; Columbus, 125,-560; Dayton, 85,333; Youngstown, 44,885; Akron, 42,728; Springfield, 38,253; Canton, 30,667; Hamilton, 23,914.

The political battle of 1900 again included a contest for the presidency of the United States(and was therefore of great interest, especially in Ohio, the home of President William McKinley. The democrats of the state men in convention at Columbus on June 13, nominated a ticket for state officers, and elected James Kilbourne of Franklin County, W. S. Thomas of Clark, A. W. Patrick of Tuscarawas, and Horace L. Chapman of Jackson as delegates-at-large to the national convention. Gen. Adoniram J. Warner of Washington County and Gen. Isaac N. Sherwood of Cuyahoga were nominated for electors-at-large. The candidates for district electors were: David L. Baumgarten, Harlan Cleveland, James A. Gilmore, James O. Amos, Elwin C. Peck, Rodney C. Trimble, John C. Dunn, Uriah L. Mann, Washington Gordon, Charles E. Belcher, John H. Blacker, Pearson R. Murphy, Jay A. Hare, William A. Weygandt, Theobald Dietz, William R. Spratt, Jacob Kummer, Edward S. Raff, Joseph J. Devney, Fletcher D. Malin, and Patrick J. McKenney.

The republicans, at Columbus on May 24, prepared for the contest by nominating Lewis C. Laylin for secretary of state and renominating several other officers whose terms would soon expire. The delegates-at-large designated for the national convention were Senator Joseph B. Foraker, Governor George K. Nash, Gen. C. H. Grosvenor and Gen. Charles Dick. The candidates for electors-at-large were William P. Orr of Piqua and Myron T. Herrick of Cleveland. The district presidential electors nominated were: Joseph T. Carew, Thomas P. Egan, William H. Manning, Emil H. Moser, John B. White, F. M. Cunningham, John N. Van Deman, Otis H. Kimball, Noah H. Swayne, Joseph A. Shriver, William L. Stinson, William B. Woodbury, Henry B. Hane, William T. Francis, Martin B. Archer, Samuel K. McLaughlin, Harry J. Hoover, Julius Whiting, Jr., William Wallace, E. J. Kennedy and James W. Conger.

The minor parties—Union reform, prohibition, social labor, people's

and social democrat—also named state tickets and candidates for electors-at-large and delegates to their respective national conventions.

The National Democratic Convention was held at Kansas City, Mo., on July 5, 1900. William Jennings Bryan's strength with the party had increased rather than diminished . His free silver views prevailed, and the platform of the convention reaffirmed them. He was nominated by acclamation. Prior to this he had been nominated, also by acclamation, by the populists at Sioux Falls, South Dakota, and the democrats were thus placed in the position of endorsing the populist candidate. Adlai E. Stevenson was again the democratic nominee for vice president.

The republicans held their national convention at Philadelphia, the first session on June 25. Marcus A. Hanna, as chairman of the national committee, called the convention to order and his domination was complete throughout. Col. Theodore Roosevelt, who had achieved great fame in the Spanish-American war and who was now governor of New York, was a delegate to this convention. William McKinley was renominated for president with the wildest enthusiasm. Roosevelt was made the candidate for vice president, much against his own will, as he believed the chief object of Hanna and the other leaders was to "shelve" him—to obliterate him politically. But fate—the "lottery of assassination," as it was cynically termed by his enemies, decreed otherwise.

The campaign in Ohio, while very exciting, was carried on without apprehensions on the part of the republicans as to the result. The democrats found that Bryan's free silver issue had lost much of its attractiveness. McKinley and Roosevelt carried the state by 69,037 votes over Bryan and Stevenson, and the country by almost a million—7,207,923 to 6,318,133. The vote of the electoral college was: McKinley, 292; Bryan, 155.

The Ohio vote in detail on national and state tickets was as follows:

President—William McKinley, republican, 543,919; William J. Bryan, democrat, 474,882; Seth H. Ellis, union reform, 4,284; John E. Wooley, prohibition, 10,203; Joseph F. Malloney, social labor, 1,688; Wharton Barker, people's, 251; Eugene V. Debs, social democrat, 4,874.

Secretary of State—Lewis B. Laylin, republican, 543,389; Henry H. McFadden, democrat, 474,078; Frank Frankenberg, union reform, 4,647; J. Knox Montgomery, prohibition, 9,983; Samuel Borton, social labor, 1,707; Louis F. Hemse, social democrat, 4,650.

Judge of Supreme Court—John A. Schauck, republican, 543,418; Allen Smalley, democrat, 474,138.

Member Board of Public Works—Charles A. Goddard, republican, 543,490; Peter W. Brown, democrat, 474,018.

Commissioner of Common Schools—Lewis D. Bonebrake, republican, 542,928; Joshua D. Simpkins, democrat, 474,626.

Dairy and Food Commissioner—Joseph E. Blackburn, republican, 539,871; Ballard B. Yates, democrat, 476,794.

Early in the year 1901 Governor Nash gave the sporting element of Cincinnati and of the country a surprise and shock by his stand with reference to a fistic encounter in that city. Mayor Julius Fleishman had issued a license to permit it, but the governor was shown that instead of being a mere "competitive physical contest" it was in reality to be a genuine prize fight between two famous pugilists, and he determined that it should not be held. Upon his request the emergency board of the state placed in his hands a fund of $50,000 to be used, if necessary, to meet the expense of sending Ohio militia to Cincinnati to prevent the fight. This bold and courageous attitude on his part put a summary end to the plans of the Cincinnati sports, greatly to their displeasure. They threatened vengeance at the polls at the coming election, but the governor carried the city in 1901 by a majority of more than 5,000, although he had lost it in 1899.

The republican state convention of 1901 met in Columbus on June 22. Governor Nash was renominated without opposition. The democrats, at Columbus on July 10, placed Col. James Kilbourne, head of a very large manufacturing establishment of Columbus, in nomination for governor. All was prepared for a vigorous campaign. The democrats were hopeful because of the prominence and high character of their candidate for governor, because of the harmony which prevailed in their ranks, and also because they had abandoned the free silver issue, which they recognized as having been a losing one for them. But before the campaign was well started an appalling event threw everything into confusion. President McKinley, in the midst of an occasion which had been a very happy one for him, was shot by an anarchist. He stood in the Temple of Music at the Pan-American Exposition at Buffalo, on September 6, 1901, shaking hands with a great number of admirers who were passing in line before him. One of those in the line, with a handkerchief over his hand, fired a pistol thus concealed, and the wound inflicted on the President proved fatal. He lingered for eight days, and expired. Thus was another chief magistrate of the nation, the second from Ohio and the third within thirty-six years, brought to his death by the hand of an assassin. Funeral services were held in Buffalo on September 19, a day which was by proclamation appointed for mourning and prayer throughout the nation. His body lay in state at the national capitol in Washington, followed by a public funeral of the greatest impressiveness. A funeral train bore the remains of Ohio's idol to Canton. Theodore Roosevelt had been hurriedly sought in the mountain wilds of Northern New York and had taken the oath of office of president of the United States.

The entire character of the political campaign was changed by this tragic occurrence. The only issue the democrats could have discussed were those concerning the republican national administration, and this was now impossible. Nash was reelected governor by 67,567 votes. Detailed figures on all the candidates were as follows:

Governor—George K. Nash, republican, 436,092; James Kilbourne, democrat, 368,525; E. J. Pinney, prohibition, 9,878; John Richardson, union reform, 2,718; John H. T. Juergens, social labor, 2,994; Harry C. Thompson, socialist, 7,359.

Lieutenant Governor—Carl L. Nippert, republican, 438,764; Anthony Howells, democrat, 360,314.

Treasurer of State—Isaac B. Cameron, republican, 440,812; Rubin P. Aleshire, democrat, 357,633.

Attorney-General—John M. Sheets, republican, 439,710; Michael B. McCarthy, democrat, 359,170.

Judge of Supreme Court—James L. Price, republican, 441,274; Joseph Hidy, democrat, 356,618.

Member Board of Public Works—Washington G. Johnson, republican, 440,049; James B. Holman, democrat, 358,026.

Clerk of the Supreme Court—Lawson E. Emerson, republican, 439,709; Harry Young, democrat, 357,915.

Seventy-fifth General Assembly

Regular Session, January 6 to May 12, 1902

Extraordinary Session, August 25 to October 22, 1902

The Senate was presided over by Lieutenant Governor Carl L. Nippert, president ex-officio. William S. McKinnon, of Ashtabula County, was speaker of the House of Representatives.

On January 14, the day fixed by law for balloting for United States Senator, Joseph Benson Foraker was reelected, receiving the votes of twenty-one senators and 110 members of the House. The democrats—twelve in the Senate and forty-two in the House—voted for Charles

W. Baker. One week later, in joint session of the two houses, report of these totals was formally made, and Senator Foraker was officially declared elected to succeed himself.

The time of this Assembly was largely occupied in amending existing laws and in making a complete change in the method of compensating county officers for their services. The fee system, which had applied in all counties, had come to be a burden, and regular salaries for the officers were substituted.

On January 20, 1902, a joint resolution was adopted fixing January 29 as the date for holding memorial exercises by the General Assembly "in commemoration of the life, services and tragic death of the late President of the United States, William McKinley of Ohio." This service was held on the afternoon of the day set, in the hall of the House of Representatives. The chamber, which was appropriately and elaborately draped, was crowded with spectators, and the exercises were of the most impressive character. The rostrum was occupied by Governor Nash, President Nippert of the Senate, Speaker McKinnon of the House, and Maj. Lewis M. Hosea, who, as chairman of the joint legislative committee in charge, presided. There was sacred music by the choir of St. Paul's Church of Columbus, and notable addresses were delivered by Governor George K. Nash on behalf of the state, by Gen. Charles H. Grosvenor of behalf of Congress, by Hon. J. O. Royer on behalf of the democrats of the Senate, by Hon. George T. Thomas for the republicans of the House, by Hon. Charles W. Stage for the democrats of the house, and by Hon. Warren G. Harding on behalf of the republicans of the Senate. The chief address was an oration upon "McKinley, the Patriot and Martyr," by Congressman W. R. Warnock. On February 6 the two houses adopted a joint resolution sending to Mrs. McKinley official information of these memorial exercises.

On April 28 a resolution was adopted providing for the impressive memorial to McKinley which was completed and erected a few years later at the west entrance to the state house grounds. The citizens of Columbus had initiated this movement by subscribing $20,000 toward it, which was later increased to $25,000. The General Assembly added to this by appropriating a like amount.

On April 8, 1902, a statute was enacted which was prompted by the assassination of President McKinley. It provided the death penalty for any person who should, within the state, successfully attempt to take the life of a president, vice president or any cabinet officer in the line of succession to the presidency; in case the attempt should not result in death, then the penalty inflicted should be imprisonment for life. The law also made provision that in case of successful attempt on the life of a governor or lieutenant governor of Ohio the penalty should likewise be death; and, in case of death not resulting from the attempt, imprisonment for not less than twenty years or for life, at the discretion of the court.

On May 9, 1902, an official Ohio flag was adopted by the Legislature. It is described in the act as follows:

"The flag of the state shall be pennant shaped. It shall have three red and two white horizontal stripes; the union of the flag shall be seventeen five-pointed stars, white, in a blue triangular field, the base of which shall be the staff end or vertical edge of the flag, and the apex shall be the center of the middle red stripe. The stars shall be shaped around a red disc superimposed upon a white circular O."

The book of statutes for the year contains an engraved illustration of the flag thus described.

As before noted in these annals of the state, no constitution of Ohio had given the governor the right to veto acts passed by the General Assembly. On May 2, 1902, a resolution was adopted proposing a constitutional amendment to confer this power upon him, to be voted on

by the people at the election of November, 1903. The amendment was at that time accepted by a vote of 458,681 "yes" to 338,317 "no."

On May 12, 1902, the General Assembly made provision for a proper representation of the state at the great Louisiana Purchase Exposition which was to be held at St. Louis in 1904. Appropriations were made to a total amount of $75,000 for this purpose, and an Ohio Building was erected on the grounds that did credit to the commissioner, Mr. Stacey Rankin, a banker of South Charleston. Thousands of Ohio visitors to the exposition were very proud of the showing made by their state.

Perhaps Governor Nash's greatest contribution to the welfare of the people was accomplished in amending the taxing system of the state. In this he had the whole-hearted and earnest cooperataion of the General Assembly. His message of January 6, 1902, set forth "the desirability of securing all the revenue required by the state without resorting to a levy upon real estate and personal property." In conformity with his wishes two bills were introduced in the House of Representatives by men who afterwards attained great prominence in affairs of the state. One of these, by Representative Frank B. Willis, required that all domestic corporations for profit should make annual reports to the state containing certain necessary information, and that they should pay an annual fee of one-tenth of 1 per cent of their outstanding capital stock. The other, by Representative Ralph D. Cole, related to public utility corporations, and required them to pay a tax of 1 per cent on their gross annual receipts. Still another bill, by Representative Hallis C. Johnson, transferred to the state treasury the 2½ per cent tax paid by foreign insurance companies upon their gross receipts in Ohio.

On April 1, 1902, Governor Nash sent a special message to the General Assembly recommending the passage of these three bills. He answered objections which had been made as to their constitutionality, and stated that under their operation it would be possible to reduce the rate of taxation on real and personal property more than one-half—from $2.89 to $1.35 per $1,000 valuation. The bills were passed and the benefits derived from them placed the finances of the state in a highly prosperous condition, and eventually enabled the paying of the public debt and accumulation of a surplus while at the same time very materially reducing the tax burden upon the owners of property. Governor Bushnell, as we have seen, was pioneer in securing legislation of this character for Ohio.

On April 21 a joint resolution was unanimously adopted by the Assembly requesting the Ohio State Archæological and Historical Society to have charge of a fitting celebration of the anniversary. The society had previously planned to do so, and had made much progress in its preparation; the legislative resolution was adopted for the purpose of placing the Assembly's official stamp of approval upon it. The program covered two days, at Chillicothe, the first capital—May 20 and 21, 1903—and it provided an elaborate and splendid celebration, in which many eminent men, representative of the educational, political and material progress of the state, took part. Governor George K. Nash and Gen. R. Brinkerhoff, respectively, presided at the two meetings, at which very large and highly representative audiences were present. Addresses were delivered by W. D. Yaple, mayor of Chillicothe, Gen. J. Warren Keifer of Springfield, Judson Harmon of Cincinnati, Prof. Martin B. Andrews of Marietta, Judge Rush R. Sloan of Sandusky, Hon. E. O. Randall of Columbus, Gen. Thomas Anderson of the United States Army, Murat Halstead of Cincinnati, David Meade Massie of Chillicothe, ex-Governor James E. Campbell, Senator Joseph B. Foraker, Gen. Charles H. Grosvenor, Judge Moses M. Granger of Zanesville, Senator Marcus A. Hanna, Hon. Lewis D. Bonebrake of

Columbus, President William Oxley Thompson of Ohio State University, Mrs. J. R. Hopley of Bucyrus, Gen. B. R. Cowen of Cincinnati, Gen. Thomas Ewing of New York, S. S. Knabenschue of the Toledo Blade, Prof. W. H. Venable of Cincinnati, and Bishop C. C. McCabe of Omaha, Nebraska.

In the latter part of June, 1902, the Ohio Supreme Court handed down two decisions that caused Governor Nash to convene an extra session of the General Assembly on August 25 of that year. One decision related to the filing of cases in the Supreme Court under what was known as the Royer act; the other declared unconstitutional the federal form of government under which the City of Cleveland was organized. The latter was really against special legislation which was in contravention of the constitution of Ohio in fact though not in form. The General Assembly had gradually fallen into the habit of enacting such legislation in form something like the following:

"In all counties which by the federal census of 1890 had a population of not less than twenty-seven thousand three hundred (27,300) and not more than twenty-seven thousand four hundred and fifty (27,450), each county commissioner elected or appointed after the passage of this act shall devote his entire time or so much thereof as may be necessary to the duties of his office, and for his compensation shall receive a salary of one thousand dollars ($1,000) per annum. * * *"[1]

The purpose of the act from which this is quoted was to fix the above salary for one county of the state. Much legislation of this kind found its way to the statute books. This class included the so-called "ripper" legislation. The Legislature, yielding to local factional or partisan interests, often at the request of a state senator or representative, would enact special measures of this character to throw out of office men who had been elected or appointed in some city or village.

The decision of the Supreme Court against such legislation marks an era of genuine reform in the state. It virtually put an end to "ripper" legislation and other special acts dictated by purely local or partisan interests.

The situation resulting from these decisions was carefully considered by able attorneys under the direction of Attorney-General Wade H. Ellis, and a bill was ready for introduction when the General Assembly convened. It was introduced in the House by Hon. A. S. Comings and in the Senate by Hon. Nicholas Longworth. After consideration and hearings it was enacted without material change. It was known as the municipal code of Ohio. It was criticised by political opponents, but was generally satisfactory and accomplished the important reform inaugurated by the Supreme Court.

The Ohio political campaign of 1902 was a highly spectacular one, made so by Mayor Tom L. Johnson of Cleveland, who canvassed the state in a novel way. He had been successful politically in Cleveland and was believed to be ambitious to attain the governorship in 1903. Some of his ideas of government were regarded as socialistic by conservative members of his own party as well as by the republicans. These he persuaded the democratic convention (at Sandusky on September 2nd) to adopt. The convention nominated for secretary of state, Herbert S. Bigelow, a Cincinnati minister who shared Johnson's opinions as to government. The chief feature of the campaign was an extended itinerary by Mayor Johnson in a big red automobile and with an immense tent in which to hold his public meetings.

The republicans, at Cleveland on May 27, 1902, had renominated Secretary of State Laylin as well as several of the other republican state officers. Marcus A. Hanna again conducted the campaign for the

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[1]Ohio Laws, vol. 92, p. 143.

republicans and they won by large pluralities, the detailed vote being as follows:

Secretary of State—Lewis C. Laylin, republican, 436,171; Herbert S. Bigelow, democrat, 345,706; Andrew L. White, prohibition, 12,336; Max S. Hayes, socialist, 14,270; Theodore Adams, social labor, 2,983.

Judge of Supreme Court—William B. Crew, republican, 436,990; Michael Donnelly, democrat, 343,051.

Member Board of Public Works—William Kirtley, Jr., republican, 437,868; Joseph J. Pater, democrat, 342,659.

Dairy and Food Commissioner—Horace Ankeny, republican, 433,-702; Philip H. Bruck, democrat, 347,567.

In 1903 Tom L. Johnson again controlled the democratic convention, which was held in Columbus on August 25. His supporters regarded him as presidential timber and made wide distribution of campaign buttons bearing the words "Johnson, 1904." His arrival in Columbus for the convention, heading a Cleveland delegation which formed a large procession with a brass band in front, caused a sensation on the streets. He named his ticket, with himself for governor, and pledged his party for John H. Clarke, of Cleveland, as the next United States Senator, to be elected by the Legislature then to be chosen at the polls.

The republicans had held their conclave, also at Columbus, on June 4th. Senator Hanna was the temporary chairman, and Senator Foraker was the permanent presiding officer. The platform adopted was on regular republican lines and it declared for the reelection of Hanna to the United States Senate. Myron T. Herrick of Cleveland was made the candidate for governor, and Warren G. Harding for lieutenant governor. The campaign was a very lively one, but Johnson's views met with intense disfavor among the voters and he was defeated by 113,812 plurality. The new General Assembly was overwhelmingly republican in both branches—the Senate twenty-nine to three, and the House eighty-eight to twenty-two. Hanna's reelection to the United States Senate was assured, and Mayor Johnson was eliminated as a presidential possibility.

The state had now been in existence just a century. That old-time first governor, Edward Tiffin, had in 1803 received all the votes cast, and they numbered 4,564. The total vote cast at the election of 1903 was 877,203—more than 192 times as many as Tiffin had received.

The official records in the office of the secretary of state show that the candidates of 1903 were given support of the voters as follows:

Governor—Myron T. Herrick, republican, 475,560; Tom L. Johnson, democrat, 361,748; Isaac Cowen, socialist, 13,495; Nelson D. Creamer, prohibition, 13,502; John D. Goerke, socialist labor, 2,071.

Lieutenant Governor—Warren G. Harding, republican, 474,311; Frank B. Niles, democrat, 357,573.

Auditor of State—Walter D. Guilbert, republican, 473,565; Charles A. Kloeb, democrat, 357,201.

Treasurer of State—William S. McKinnon, republican, 474,033; Volley J. Dahl, democrat, 356,617.

Attorney-General—Wade H. Ellis, republican, 470,589; Frank S. Monett, democrat, 360,916.

Judge of Supreme Court—Augustus N. Summers, republican, 471,-742; Edward J. Dempsey, democrat, 358,898.

Member Board of Public Works, to fill vacancy—George H. Watkins, republican, 473,332; William A. Wynn, democrat, 356,529.

Member Board of Public Works, full term—George H. Watkins, republican, 472,687; Thomas H. B. Jones, democrat, 356,687.

Commissioner of Common Schools—Edmund A. Jones, republican, 473,252; John H. Secrist, democrat, 356,083.

ADMINISTRATION OF GOVERNOR MYRON T. HERRICK

Seventy-sixth General Assembly

Regular Session January 4th to April 25th, 1904

Lieutenant Governor Warren G. Harding presided over the Senate. George T. Thomas, of Huron county, was elected speaker of the House of Representatives.

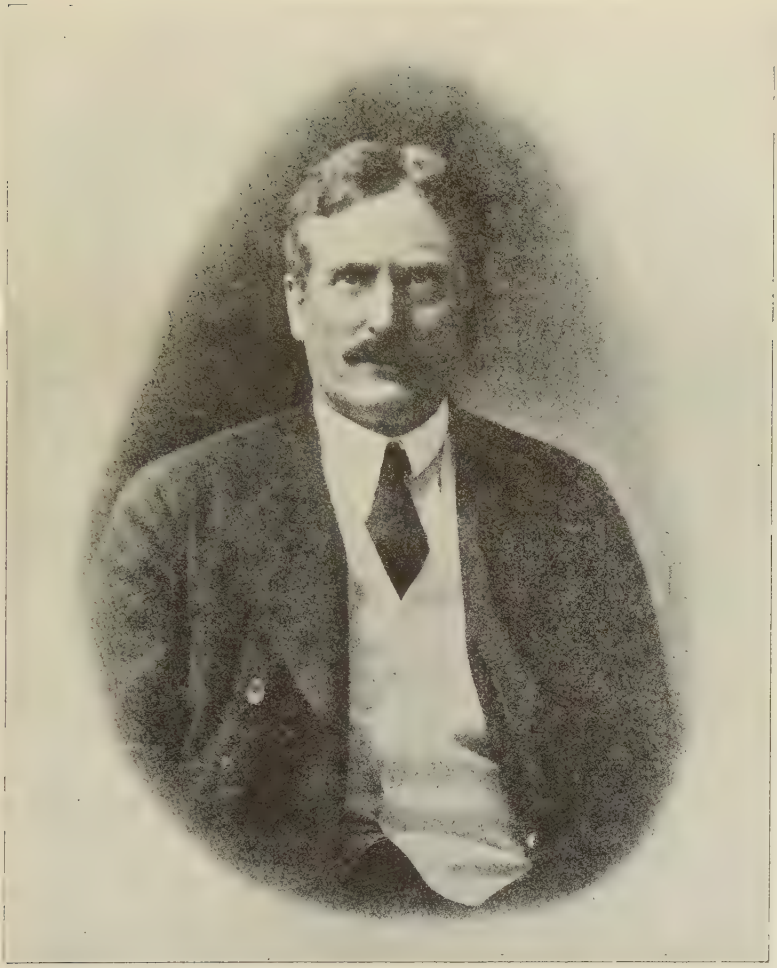
The inauguration of Governor Herrick was in keeping with the best traditions of Ohio. The attendance was large and the formal induction of the new governor into office was dignified and impressive. Lieutenant Governor Harding, who had previously served in the state senate, was already attracting attention as a young man of ability and promise, though no one then would have predicted the distinguished career that awaited him. Herrick and Harding belonged at this time to opposing factions of the republican party.

Former Governor Asa S. Bushnell was present at the inaugural ceremonies. In the evening, at the railway station, he was suddenly stricken and taken at once to a hospital where he died four days later (January 15). His funeral at Springfield, where he had been popular with all classes, was largely attended. Friends from different sections of the state were present to pay the final tributes of respect. Two days previous to the inauguration, ex-Governor Charles Foster, while on a visit to Springfield, died after a brief illness. It was reported that he had gone to Springfield to accompany Governor Bushnell to the inauguration.

With a republican majority of ninety-one on joint ballot, one of the first acts of the general assembly was to reelect Marcus A. Hanna United States senator. On January 13 he appeared and thanked the general assembly for the honor conferred, made a kindly reference to former Governor Foster, who had recently died, and former Governor Bushnell who was lying at the point of death. Governor Herrick spoke briefly, congratulating Senator Hanna and the state on his "splendid vindication."

Governor Bushnell and Senator Hanna were identified with opposing factions in the republican party and their relations had at times been seriously strained. While Governor Bushnell would have preferred to name an able friend identified with his faction as successor to Senator Sherman, he appointed Senator Hanna in response to the evident wish of a majority of the party leaders. He and his friends afterward felt that this concession on his part had not been kindly received. He was sometimes taunted with, "You did this because you had to." There was an element of truth in this, but that fact naturally did not help matters with the governor and his sensitive friends. In view of their past differences, the reference of Senator Hanna in his speech to Governor Bushnell was appreciated especially by the friends of the latter.

The political triumph of Myron T. Herrick and Marcus A. Hanna was not complete. The approval of the people at the previous election had been so emphatic that it silenced partisan and factional opposition. Senator Hanna's leadership of the republican party in Ohio seemed assured for years to come. The political prophets would not have hesitated to predict the election of Governor Herrick two years hence. Hanna was at the zenith of his power. He could now return to the Senate backed by the overwhelming approval of his state. While McKinley lived, Hanna, because of his political influence, his aggressive methods and the patronage at his disposal, overshadowed Senator Foraker. It now seemed that the mantle of McKinley had fallen on his shoulders. In every department of the national government were appointive and elective officers who owed their positions to his support. That they should desire his elevation to the presidency was perfectly natural. Others who regarded him as the logical successor of McKinley



MYRON T. HERRICK

Governor January 11, 1904—January 8, 1906. Born October 9, 1854; home, Cleveland. Ambassador to France.

urged him to become a candidate. The situation is accurately described by Senator Charles Dick, the co-worker and confidential friend of Senator Hanna:

"He had given his word he would not be a candidate, and with the fidelity which distinguished his life he kept the faith. This, however, did not discourage the support of his friends nor dampen the enthusiasm which existed for him in all parts of the country. No American citizen ever yet, however, resisted the call of his party to be a candidate for President."

It was doubtless the purpose of the followers and admirers of Senator Hanna to make the call for him so enthusiastic and insistent that it would stampede the Republican National Convention and result in his triumphant nomination.

The opposing faction in the republican party of Ohio was quick to see the possibilities of the situation. Senator Foraker early declared in favor of the nomination of Roosevelt, and his followers promptly fell into line. Their cause was not hopeless, although they had been eclipsed in the signal triumph of Herrick and Hanna. Their leader was still in the United States Senate where he ranked second to none in that distinguished body; and his brilliant young friend, Warren G. Harding, was Lieutenant Governor of Ohio. Under the continued presidency of Roosevelt the Foraker following might again attain ascendancy in the state.

Such was the situation when, after a brief illness, Marcus A. Hanna died in Washington, February 15, 1904. A great outpouring of people attended his funeral in Cleveland and followed his remains with sad hearts to their final resting place.

Senator Hanna died in the fullness of fame. He did not live to witness the political reaction in his native state that clouded the later days of other republican leaders and temporarily doomed his party to division and disaster. Some of his ardent admirers have thought that, had he lived, defeat would have been averted. This is scarcely probable. He rose to the zenith as a party leader. Such eminence is difficult to maintain. No man could have stayed the adverse tide that swept the state and the country from its political moorings. The time had come for the passing of the order that Senator Hanna conspicuously typified. There is ever in wait for the old guard a Waterloo.

It was inevitable that estimates of Marcus A. Hanna should differ widely, even among leaders of his own party. In his tribute to his dead friend and leader, before the General Assembly of Ohio, Senator Charles Dick said:

"No man ever grew so rapidly in influence and power, and no man who entered politics so late in life ever rose so high.* * * He sprang full panoplied and equipped into the arena of national activity. * * * He revolutionized politics by putting it on a business basis. He interested business in politics to the distinct advantage of the latter. * * *

"His greatest legislative achievement was in changing a hostile majority against the Panama route for an isthmian canal into a decisive majority in its favor. * * * No more signal personal and legislative triumph has ever been won in the Congress of the United States."

The following view was later expressed by Warren G. Harding:

"Senator M. A. Hanna won national acquaintance in piloting William McKinley to the White House and fixed his own place in national regard by the force of his rugged personality, his common sense understanding of great public questions and a rare individuality which suggested a fair and square deal, though he made no pretense in that direction."

Senator Beveridge called Marcus A. Hanna "the personification of our commercial age."

Daniel J. Ryan in his review of the political career of Marcus A. Hanna says:

Hon. Marcus A. Hanna

"Mr. Hanna served nearly seven years in the United States Senate. He was one of the most active and influential members, and, while he never created an idea in legislation or left upon the statute books any law embodying a distinctive program, he was extremely powerful in supporting policies, both of national and international character. He was not a constructive statesman, nor did he undertake to mold into law ideas either of himself or his party."

The administration of Governor Herrick opened with great promise. Mr. Herrick had been a successful business man, head of one of the largest savings banks in the middle west, had been president of the American Bankers Association, had been interested in public utility and railroad management. He had assured position and prestige in business circles not only in Cleveland, but in New York. Just at that time over the nation there was a rather popular demand for the practical business man in politics. Herrick was not versed in practical politics. Close contact with the machinery of a political campaign was rather distasteful.

He belonged to the Hanna-McKinley section of the republican party in Ohio. He enjoyed a warm personal friendship with Mr. Hanna and had been a devoted admirer of Mr. McKinley. Mr. Herrick had been offered the post of secretary of the treasury in McKinley's first cabinet.

Before the republican state convention Hanna had publicly disclaimed any intention of becoming a candidate for president, and his personal interest in the state campaign lay in securing a republican majority in the Legislature that would insure his reelection to the Senate. With Colonel Herrick heading the ticket a full republican representation would be insured from Cuyahoga County. This argument had overcome Mr. Herrick's reluctance to become a candidate. In giving his consent, however, it was with the understanding that he should enter office unhampered by pledges or obligations of any sort.

In his inaugural address on January 11, 1904, Governor Herrick advocated a state depository law; the establishment of a state banking department for the supervision of all banking and trust companies incorporated under the laws of Ohio; the adoption of legislation for the regulation of interurban railroads; advocated reform in ballot laws; the codification and amendment of the common school laws; the consideration of the subject of forestry preserves and the encouragement of timber growing. At his instigation a bill had been passed shortly before he became governor requiring that members of the governor's staff should be officers of the National Guard, and he chose his staff accordingly. This was regarded as a measure to raise the standard of the National Guard.

Reference has been made to the beginning of the Anti-Saloon League. Temperance legislation was the subject of most prolonged debate in the Seventh-sixth General Assembly. Governor Herrick favored a residence local option law for cities, he refused to sign a measure with the restrictions demanded by the Anti-Saloon League. Hence his position satisfied neither the anti-saloon leaders nor the liquor interests. The House and Senate finally became deadlocked in support of their respective bills. The governor then suggested four changes in the proposed legislations: a residence district to contain not more than fifteen hundred electors instead of five thousand; a majority frontage instead of seventy-five per cent to determine the business character of a street; saloons to be counted in determining business property; the election to control for a period of two years whether the sale of liquor was permitted or prohibited. These principles prevailed in the conference that finally reported what was known as the Brannock law, which after passage was promptly signed by the governor.

While his attitude on temperance legislation had been violently attacked by Anti-Saloon forces, he soon afterward aroused the hostility of many "liberals" by his veto of the Chisholm racing bill, on the

ground that it was "against the moral interests of the state, violates a sound public policy and is forbidden by the state constitution." It was in the rural districts that sentiment against the saloon was strongest. The communities chiefly affected by race track gambling were the larger cities, where feeling had not been stirred to any great depth against its evils. Thus the governor made many enemies by his stand in one case and made few friends by his veto. Strangely enough, as has been remarked, Governor Hughes of New York, a little later, by his anti-gambling crusade, scored one of the points that raised him to national eminence. Though it lost him votes in New York, it did not defeat him.

Other measures enacted in the Herrick administration were: The banking law, passed April 19, 1904, providing more effective examinations of state banking institutions; the state depository law, permitting funds in the state treasury to be loaned and earn interest for the state; and an inheritance tax law. The last named act was unpopular with certain classes and lost the party some votes in the following state election.

The thirteenth national convention of the republican party met in Chicago June 21, 1904. Theodore Roosevelt was nominated without opposition. His running mate was Charles W. Fairbanks of Indiana, who was born in Ohio. Following is the list of Ohio delegates to this convention:

Delegates at large: Myron T. Herrick, Cleveland; George B. Cox, Cincinnati; Charles Dick, Akron; J. B. Foraker, Cincinnati.

Districts: 1—August Herrman, Cincinnati; Julius Fleischmann, Cincinnati. 2—Louis Schwab, Cincinnati; Henry W. Hamman, Cincinnati. 3—J. E. Lowes, Dayton; Isaac Hale, Middletown. 4—E. O. Harrison, Greenville; W. L. Russell, Lima. 5—William Kirtley, Jr., Defiance; N. E. Mathews, Ottawa. 6—Geo. W. McMurchy, New Richmond; Frank M. Couden, Morrow. 7—H. M. Daugherty, Washington C. H.; Charles H. May, Circleville. 8—W. R. Warnock, Urbana; Arthur H. Jones, Jones. 9—Geo. P. Waldorf, Toledo; M. L. Case, Bowling Green. 10—S. L. Patterson, Waverly; H. A. Marting, Ironton. 11—A. I. Vorys, Lancaster; J. P. Bradbury, Pomeroy. 12—E. O. Randall, Columbus; Charles B. Burr, Columbus. 13—J. C. F. Hull, Bucyrus; Robert Carey, Upper Sandusky. 14—J. F. Laning, Norwalk; John G. Russell, Mount Gilead. 15—W. D. Guilbert, Caldwell; James Joyce, Cambridge. 16—Henry Gregg, Steubenville; D. O. Rutan, Carrollton. 17—M. L. Smyser, Wooster; S. M. Snyder, Coshocton. 18—J. W. McClymonds, Massillon; J. S. McNutt, Salem. 19—H. T. Sheldon, Windham; L. E. Sisler, Akron. 20—J. B. Zerbe, Euclid; A. T. Spitzer, Medina. 21—Theo. E. Burton, Cleveland; E. Bayard, Cleveland.

The Democratic State Convention met in Columbus May 24, 1904, nominated a full state ticket, including presidential electors-at-large and chose delegates-at-large to the Democratic National Convention.

The Democratic National Convention met in St. Louis July 6, 1904, and nominated for president Alton B. Parker of New York and for vice president Henry G. Davis of West Virginia. The delegates to this convention from Ohio were:

At large: John McMahon, E. H. Moore, W. S. Thomas, Charles P. Salen.

Districts: 1—L. G. Bernard, B. W. Campbell. 2—Harlan Cleveland, John E. Bruce. 3—E. W. Hanley, Charles E. Mason. 4—D. A. Miller, S. A. Hoskins. 5—A. R. Geyer, Hiram Long. 6—John Wood, Oliver H. Sams. 7—Charles J. Bowlus, V. J. Dahl. 8—W. L. Finley, W. R. Nevin. 9—John Bolan, H. A. Kilner. 10—J. W. Guthrie, O. W. Newman. 11—W. D. Yaple, M. A. Daugherty. 12—James Ross, C. F. Gilliam. 13—J. H. Platt, Frank Donnenwirth. 14—L. Brucker, W. G. Sharpe. 15—Daniel R. Torpey, H. P. Sutton. 16—W. B. Francis, W. B. McCombs. 17—W. R. Pomerene, W. S. Still-

well. 18—T. J. McNamara, R. I. Gregory. 19—M. N. Padgett, C. A. Corbin. 20—W. A. Ault, C. P. Salen. 21—Tom L. Johnson, John H. Clarke.

In the campaign of 1904, the people of Ohio were interested chiefly in national candidates and issues. Roosevelt's popularity was in the ascendant. Parker had made himself unpopular with many voters of his party by his open declaration in favor of the gold standard, which offended the large personal following of William Jennings Bryan, who regarded the abandonment of the money plank of the previous convention of the party as a bid for the support of Wall Street. As election day approached it became evident that the democratic party was doomed to defeat. The results of the balloting in November were as follows:

Republican—

President—Theodore Roosevelt	600,095
Secretary of State—Lewis C. Laylin	587,568
Supreme Court Judge—William T. Spear	587,448
Board of Public Works—Richard B. Crawford	587,643
Clerk of Supreme Court—Lawson E. Emerson	587,831
Dairy and Food Commissioner—Horace Ankeney	588,276

Democrat—

President—Alton B. Parker	344,674
Secretary of State—Alfred P. Sandles	357,179
Supreme Court Judge—Phillip J. Renner	357,331
Board of Public Works—William H. Ferguson	356,849
Clerk of Supreme Court—John P. Mahaffey	356,376
Dairy and Food Commissioner—Z. M. Gravatt	356,061

With a republican victory so overwhelming, far eclipsing that of the previous banner year, it would seem that the criticism of certain acts of the Herrick administration would be overlooked or forgotten and that the governor's reelection would be assured. Marcus A. Hanna, the generalissimo of the republican party, had passed away, but his leadership no longer seemed necessary to roll up big majorities for the party in Ohio. The name of Roosevelt was now one to conjure with, and the familiar slogan, "Stand by the President," seemed likely to become more effective than ever.

But not long after the smoke of the presidential battle had cleared away, the elements of antagonism to Governor Herrick that were in evidence at the close of the session of the General Assembly in April, began to reassert themselves.

As we have seen, Mr. Herrick had been elected in 1903 by the largest majority that had ever been given a governor in Ohio, exceeding even that of Governor Brough in the exciting days of the Civil war. In the state republican convention of May 25, 1905, Herrick was renominated. He was the first man to receive two unanimous nominations for governor. Secretary of War Taft, as chairman of the convention, made two noteworthy statements in his carefully prepared address. He said:

"We have been fortunate in having in the gubernatorial chair in the last two years a clearheaded business man who, impressed with the necessity of keeping the expenses of the state within the state income, has, at the risk of arousing opposition in many powerful quarters, not hesitated to cut down the appropriations presented to him in order that the credit of the state might be preserved.

"Governor Herrick has been attacked with bitterness by well-meaning gentlemen who have differed with him in respect to his course on the liquor question. * * * Governor Herrick has been the first governor of the State of Ohio who has had the responsibility of the exercise of the veto power, and in his judicious use of that legislative brake

he has created enemies, where governors without any such responsibility and power have avoided it."

The state democratic convention, which convened June 27, 1905, was cheered by the prospect of nominating a winning candidate for governor. The discontent with the present administration filled the leaders of the party with a hope, which, of course, might be dissipated before the November election. Curtis C. Williams, prominent in the councils of the party in Franklin County, was temporary chairman. M. A. Daugherty was permanent chairman and delivered a stirring philippic against the republicans, especially those charged with the administration of state affairs. He inveighed against bossism and Hannaism. The convention then nominated for governor John M. Pattison of Clermont County, president of the Central Union Life Insurance Company and a supporter financially and otherwise of the anti-saloon movement. State Senator Louis B. Houck was nominated for lieutenant governor.

The state campaign of this year was one of the hardest fought in Ohio since the Civil war. The Anti-Saloon League insisted that the changes made in the Brannock bill at the insistence of Governor Herrick made that act worthless as a temperance measure. The democratic nominee for governor, John M. Pattison, agreed with the League in this contention. The governor's veto of the Chisholm racing bill, which was expected to bring him support from the churches and citizens generally opposed to "race track gambling," actually brought him little support from any source, while the patrons of the race track opposed him vigorously and carried their opposition to the ballot-box.

In the midst of the campaign, Secretary of War William H. Taft made a speech at Akron that attracted wide attention. He denounced bossism in politics and declared that he would not support the republican ticket in his home county, Hamilton, because the men on it had been placed there through the influence of the political machine dominated by George B. Cox. There has always been a question as to why Secretary Taft made this speech at this critical time. He was censured by many republicans on this feature of his address. There was at this time a growing hostility to what was termed bossism in politics. This was perhaps due to some extent to the attitude of President Roosevelt, who in his public utterances occasionally took a rap at the "bosses." Secretary Taft sincerely desired the reelection of Governor Herrick. He made that quite clear in this campaign. Possibly it was his thought that he could dissociate the governor from the bosses of the party by praising the former and denouncing the latter. In this he doubtless was mistaken. Many voters, probably, who had hesitated to believe what was said about bossism in Ohio concluded that if Secretary Taft was willing publicly to admit its presence that it must be true, and they were quick to recall that George B. Cox had been a prominent figure in both conventions that nominated Herrick.

Election day was reached with doubts as to the outcome. It seemed strange that there should be such a reversal in two years, as was indicated by the result. Governor Herrick was defeated and his opponent was elected by a plurality of more than forty thousand. All of the remaining candidates on the republican ticket were elected by substantial majorities.

Political leaders and historians have gone on record as to what caused the defeat of Governor Herrick. Some attribute it to the Anti-Saloon League; some to the patrons of the race track, and a greater number to the influence of the speech of Secretary Taft. Perhaps all of these are wrong. The basic cause for his defeat is found in the fact that he was the first governor of Ohio clothed with the veto power and the responsibility that goes with its use. The Anti-Saloon League was, of course, a direct and powerful factor in the election, as was also the race track contingent; but both of these influences were arrayed against

the governor because of his use of the veto power. Secretary Taft's speech, though well intended, was doubtless unfortunate, but that alone would not have defeated Myron T. Herrick for reelection.

A constitutional amendment was adopted at this election providing that state and county officers should be elected in the even numbered years and that other elective officers should be chosen in the odd numbered years. All elections were to be held "on the first Tuesday after the first Monday in November." It also provided that officers holding office when the amendment was ratified by the people should continue in office until their successors were elected and qualified. This did away with spring elections in townships and municipalities and fixed the subsequent elections of governor in even numbered years, which had previously been held in odd numbered years. The submission of this amendment must be placed to the credit of the Herrick administration. It was in the interest of economy and convenience for the electors of the state. The adoption of this amendment explains why the Pattison-Harris administration covered a period of three years, 1906-1908 inclusive.

At this same election a constitutional amendment was ratified exempting from taxation bonds of the State of Ohio and the minor political subdivisions of the state.

In the first year of the administration of Governor Herrick occurred the Louisiana Purchase Exposition at St. Louis. By act of May 12, 1902, the General Assembly of Ohio appropriated $75,000, which was increased two years later to $85,500. From this sum the Ohio building was erected and the expenses of Ohio's representation as a state was paid.

The plans of Frank L. Packard, architect of Columbus, were accepted for the Ohio state building which was erected in the southeastern part of the fair grounds, in a portion known as the "Terrace of the States." This building was generally conceded to be one of the most beautiful of all erected by the different states. It was arranged and conducted for the comforts of its guests. Everything for their convenience was provided. Comfortable writing rooms, well equipped with stationery, were at all times available to visitors.

The State of Ohio maintained only one exhibit and this was in the Mines and Metallurgy Building. It consisted chiefly of clay products collected and arranged under the guidance of Prof. Edward Orton, Jr., of the Ohio State University, assisted by Mr. Ellsworth Ogden.

The exhibit by the Ohio State Archæological and Historical Society attracted much attention and was the subject of very favorable comment. The United States government report of the exposition contains the following highly complimentary notice:

"In the department of anthropology * * * Ohio took the grand prize over all competitors. The display consisted principally of relics taken from the historical mounds of the state, which in themselves were very interesting. Not only was the general prize awarded for the display, but a special gold medal was presented to Prof. W. C. Mills, librarian and curator of the Ohio State Archæological and Historical Society, for his untiring efforts in revealing to the public of today the mode of livelihood and the characteristics of the oldest and most historical race of this continent.

Private individuals and corporations from Ohio made extensive and very creditable exhibits in almost every department of the great exposition. Especially was this true of the representation of the state in the Palaces of Electricity, Machinery and Transportation. In the Liberal Arts Building it was officially declared that "Ohio exhibitors were predominant." The educational exhibit ranked high and reflected credit upon the departments and institutions contributing to it.

The commissioners for Ohio at this exposition were: W. F. Burdell, Columbus; L. E. Holden, Cleveland; D. H. Moore, Athens; David

Friedman, Caldwell; N. K. Kennon, St. Clairsville; M. K. Gantz, Troy; Edwin Hagenbuch, Urbana. The governor appointed S. B. Rankin of South Charleston executive commissioner. Mr. Burdell was chosen president and L. E. Holden vice president of the board of commissioners.

A pleasing feature of Ohio's part in the exposition was the celebration of Ohio Day, October 6, 1904, at which addresses were delivered by Governor Herrick, William F. Burdell, David R. Francis, president of the exposition, and John W. Noble, an Ohioan by birth and a member of the cabinet of President Benjamin Harrison.

It is recalled that this exposition formally opened with a great demonstration in the spring of 1903 and that the participation in the military parade by the Columbus Rifles from Ohio called forth frequent cheers along the line of march to the exposition grounds.

Roy Knabenshue, amateur aeronaut of Toledo, Ohio, gave frequent exhibitions with his miniature dirigible airship, thus preparing the popular mind for the larger craft that in recent years have traversed the highways of the upper deep.

While the administration of Governor Herrick had been fruitful in events of political interest, it was also a period of peace and prosperity to the state and to the great mass of citizens who, while having and voting their political preferences, do not spend many days of the year in worry about the fortunes of candidates or political parties. It is pleasing to know that while the politicians were planning campaigns and leading their hosts to alternate victory and defeat, Ohio was maintaining its place well in the van of the progressive states of the Union. Practically unknown to the world, the Wright brothers of Dayton were industriously at work at Kitty Hawk, North Carolina, perfecting the pioneer airplane which was to solve the problem of aviation and add a momentous and thrilling chapter to the history of invention. Their triumph was about to win for them enduring fame and to add new luster to the name of Ohio.

ADMINISTRATION OF JOHN M. PATTISON

Twenty-Seventh General Assembly

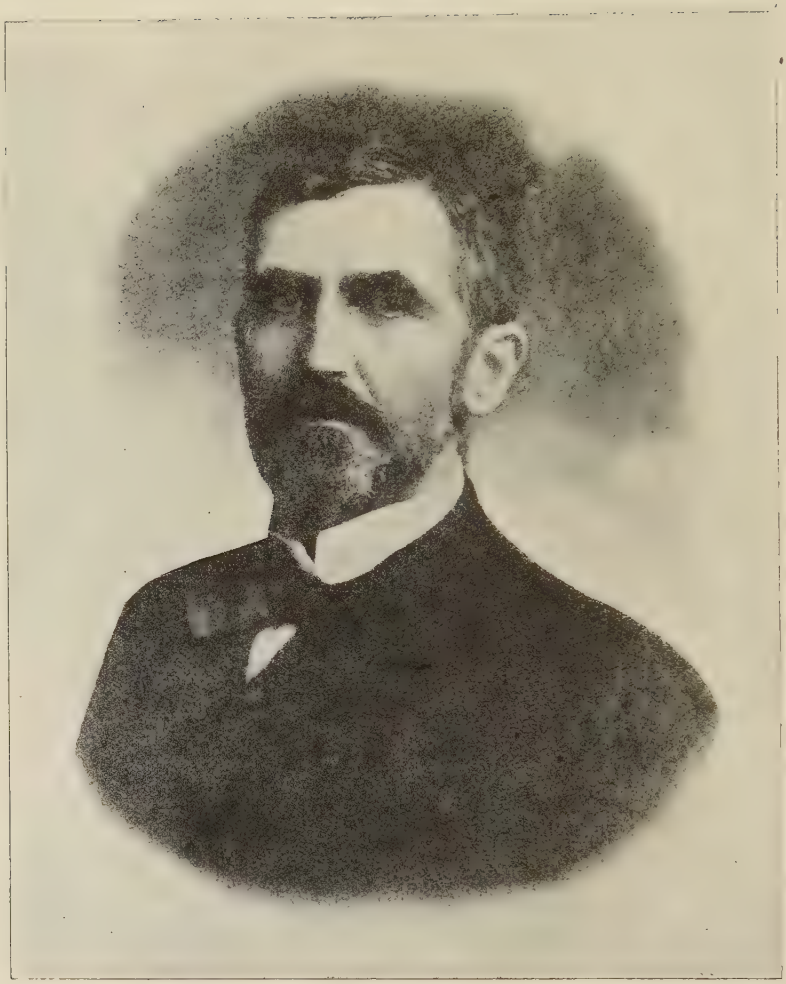
First Regular Session, January 1 to April 2, 1906

After inauguration, January 8, Lieutenant Governor Andrew L. Harris was, by virtue of his office, president of the Senate. Carmi A. Thompson was chosen speaker of the House of Representatives and served through the first session. He resigned to enter upon the duties of secretary of state, an office to which he was elected in 1906. Freeman T. Eagleson, speaker pro tem of the House of Representatives, succeeded Mr. Thompson as speaker and served in that position through the second session of the General Assembly. It should be remembered that the members of the Seventy-seventh General Assembly held office for three years and that this period covered two regular sessions.

In joint session of the two houses, the result of the previous November election was declared as follows:

Republican—

Governor—Myron T. Herrick	430,617
Lieutenant Governor—Andrew L. Harris	456,162
Judge of Supreme Court—William Z. Davis	462,115
Attorney General—Wade H. Ellis	461,402
Treasurer of State—W. S. McKinnon	462,447
Board of Public Works—William Kirtley	462,081



JOHN M. PATTISON

Governor January 8, 1906—June 18, 1906. Born June 13, 1849; died June 18, 1906. Member Ohio House and Senate; congressman.

Democrat—

Governor—John M. Pattison	473,364
Lieutenant Governor—Louis B. Houck	427,162
Judge of Supreme Court—Hugh T. Mathers	417,420
Attorney General—James A. Rice	418,954
Treasurer of State—Charles E. Mason	418,515
Board of Public Works—Patrick McGovern	415,532

John M. Pattison was born in Clermont County June 13, 1847, and was a graduate from Ohio Wesleyan University in the famous class of 1869, which included among others destined to fame, Senator Foraker and Vice President Fairbanks. He had practiced law, but from 1881 had made a conspicuous success in the insurance business. He was a member of the Fifty-second Congress. He was inaugurated governor January 8, 1906. The day was stormy. It was not very cold, but snow was falling and the streets were slushy. The governor-elect was reported ill, but the public was under the impression that it was only a temporary indisposition. He read his inaugural address in a clear and distinct voice, but he looked frail and worn. The strenuous campaign through which he had passed had sapped his strength. After the inaugural ceremony he repaired to the governor's office in the capitol, and a little later left the building, never to return.

From time to time the report was issued that he would soon be able to resume actively the duties of the office to which he had been elected, but the days lengthened to weeks and months and he did not return. On April 5 at ten o'clock P. M. he started on the journey to Christ Hospital, Cincinnati, where he remained for some time. Later he was taken to his home in Clermont County in the hope that this change of environment might prove beneficial. In the meantime reports of his condition were issued at somewhat frequent intervals. As in the case of Garfield, McKinley and Harding these reports continued to be favorable and to buoy up the hope of the people of the state. But the hope was vain. He gradually grew weaker and on June 18 he died. Lieutenant Governor Harris succeeded him as chief executive.

In the meantime the first session of the Seventy-seventh General Assembly had run its course. Among the important laws enacted were those providing for a two-cent railroad fare; salaries instead of fees for county officers; the raising of the saloon tax from $350 to $1,000; local option on the sale of intoxicating liquors in city residential districts (known as the Jones Law); loaning of county funds when not in use and the payment into the county treasury of interest accruing thereon; the appointment of a railroad commission of three members to supersede the commissioner of railroads and telegraphs.

Discriminatory rates and the evils of rebating by the railroads were leading topics of the day. Under the aggressive leadership of Roosevelt, Congress passed the Hepburn act, signed by the President June 29, 1906, transferring to the Interstate Commerce Commission the power to fix rates on interstate lines. Many of the states about the same time were creating or giving new powers to commissions for regulating railroads.

It was in 1906 that the Ohio General Assembly abolished the office of commissioner of railroads and telegraphs and established the railroad commission of Ohio, consisting of three members. The commission was organized in August, 1906. On July 1, 1911, it was superseded by the Public Service Commission of Ohio, with broad jurisdiction over all forms of public utilities. The railroad commission during the five years of its existence acted informally in hundreds of matters in adjustment of relations between the railways and the public, and also rendered decisions in 139 formal cases, including fixing of rates, improved facilities, etc. However, the commission was never invested with really effective authority to enforce its decisions. The orders of the commis-

sion could be readily taken to the courts, and the long and costly delays incident to court procedure bore more heavily on the complainants than on the railroads themselves.

The two-cent fare law was popular when it was enacted, especially with the traveling public, but like many luxuries enjoyed for a season, it went glimmering with our entrance into the World war.

ADMINISTRATION OF GOVERNOR ANDREW L. HARRIS

Seventy-Seventh General Assembly

Second Regular Session, January 6 to May 9, 1908

James M. Williams, president pro tem of the Senate, presided over the deliberations of that body. Freeman T. Eagleson was speaker of the House of Representatives.

The death of Governor Pattison brought to the executive chair Andrew L. Harris, the lieutenant governor, known as "the farmer statesman." Like Vice President Coolidge, at the time of the death of President Harding, Mr. Harris was in the country when Governor Pattison died June 18, 1906. After returning from his farm he took the oath of office that evening at the home of a neighbor in Eaton.

Governor Harris was a man of kindly nature, a lawyer by profession, though always preferring the occupation of farmer. He was modest, but had been in politics many years. He represented and was responsive to the typical attitude of the rural Ohio of that day. He had been a republican from casting his first vote for Lincoln; enlisted at the outbreak of the Civil war as a private, rose to the rank of colonel, commanded a brigade at the Battle of Gettysburg, was twice severely wounded, and was brevetted brigadier-general for gallant conduct on the field of battle; was elected state senator in 1865, state representative in 1885 and 1887; was appointed by Governor Foraker in 1889 trustee of the Ohio Soldiers' and Sailors' Orphans' Home; in 1891 was elected lieutenant governor on the ticket with William McKinley, and was re-elected in 1893. President McKinley in 1898 appointed him a member of the National Industrial Commission, and he became chairman of the sub-commission on agriculture and agricultural labor.

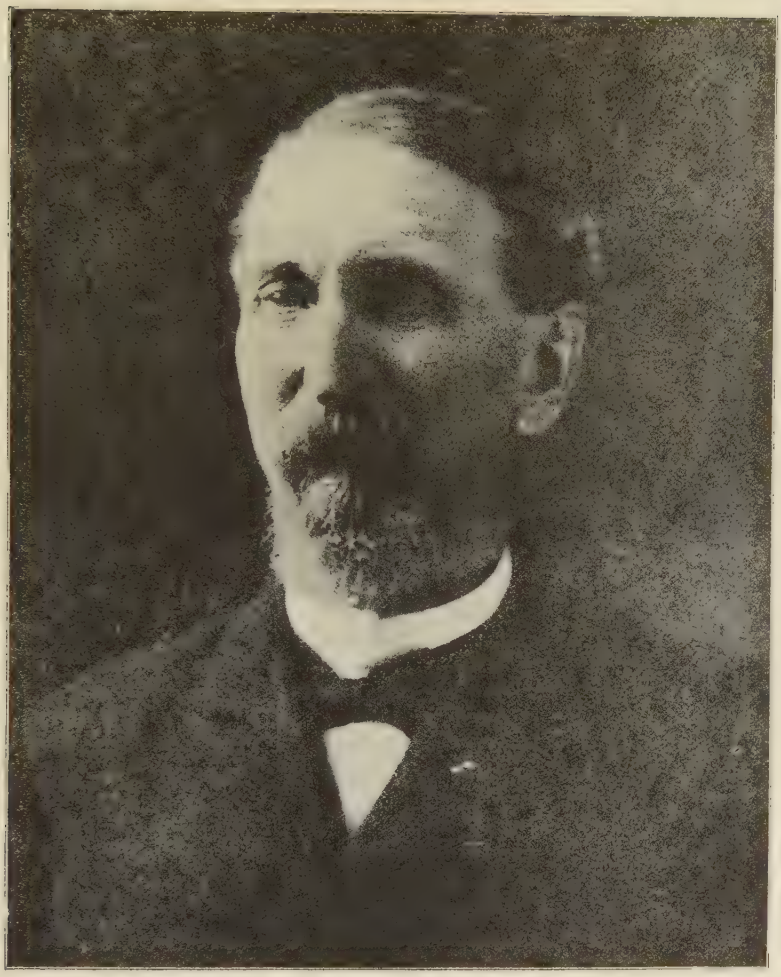
He conspicuously exhibited the qualities of the model presiding officer in the Senate during the first session of the Seventy-seventh General Assembly. While the Senate chamber was at times the scene of excitement and the clash of rival interests aroused temporary bitterness, he reached the day of adjournment with the respect and esteem of the Senate and the people. To one element in the state he was disappointing. While elected on the ticket the head of which had been fought by the out and out anti-saloon leaders, it was felt that some of his decisions rather favored the "drys" in the Senate. This attitude became increasingly evident during his term as governor. While Governor Herrick had been defeated as a "liberal," Governor Harris went into the campaign of 1908 with a record that made no appeal to the wet element in the cities.

The attitude of Governor Harris did not surprise those who were well acquainted with him. Personally and politically he had favored practical temperance measures. On the regulation and restraint of the liquor traffic he was in substantial agreement with the views of his predecessor, Governor Pattison.

The republicans and democrats nominated state officers in 1906. The results of the November election were as follows:

Republican—

Secretary of State—Carmi A. Thompson	408,066
Board of Public Works—George H. Watkins	412,118
Commissioner Common Schools—Edmund A. Jones	411,917
Dairy and Food Commissioner—Renick W. Dunlap	416,832



ANDREW L. HARRIS

Governor June 18, 1906—January 11, 1909. Born November 17, 1835; died September 13, 1915. Colonel in Union army; probate judge; member both houses Ohio Legislature; lieutenant-governor.

Democrat—

Secretary of State—Samuel A. Hoskins	351,676
Board of Public Works—George E. Niswonger	346,180
Commissioner Common Schools—Charles Haupert	346,081
Dairy and Food Commissioner—Rodney J. Diegle	341,767

In November, 1907, Tom L. Johnson was reelected mayor of Cleveland for the fourth term. Theodore E. Burton had resigned his seat in Congress to oppose him, and in a public letter expressing approval of Mr. Burton's action President Roosevelt had aroused much criticism for injecting the influence of the national administration into a municipal election. At the same election, Brand Whitlock, the successor to the office and politics of "Golden Rule" Jones, was reelected mayor of Toledo.

The press of the country during the winter of 1907-08 carried many columns describing the friction between the President and the Senate. A group of senators, including Foraker of Ohio, had been much exercised over "executive usurpation," one of the chief instances being the President's summary order discharging some colored soldiers for participation in the shooting up of Brownsville, Texas. November 29, 1907, the Ohio League of Republican Clubs endorsed Senator Foraker for reelection to the Senate and also for the presidency in 1908. In his reply, saying that he could not be a candidate for two offices, he accepted the support of the clubs for the presidency. Four years previously Senator Foraker had urged the state republican convention to endorse Roosevelt for a second term, an endorsement which Senator Hanna, then the only potential formidable rival of Roosevelt for the nomination, gave somewhat reluctantly. It was now understood that both Senators Dick and Foraker were opposed to the nomination of Judge Taft in 1908. But in the state convention primaries on February 11th of that year, in nearly all the counties where the primaries were held delegates were chosen favorable to Taft. At that time Burton, Charles P. Taft and Foraker were all candidates for the United States Senate, but eventually Foraker and Taft withdrew, leaving the field to Burton. At this time Burton appealed more strongly to the progressive element of the party. He had made a good record in Congress and his advocacy of primary nominations for elective officers had added to his popularity.

Laws were enacted at the legislative session of 1908 providing for—the establishment of a Bureau of Vital Statistics for the registration of all births and deaths occurring within the state; heavy penalties for the misbranding of foods and drugs; the creation of a state board of health, consisting of eight members, seven of whom were to be appointed by the governor; the organization, regulation and inspection of building and loan and savings associations; penalties against corporations for contributing to political parties, committees or organizations, or the use of their money in any way for political purposes; the payment out of the county treasury of all expenses of general or special elections arising from the printing and distribution of ballots and other proper and necessary expenses incident to such election.

The most important measure enacted by the General Assembly at this session in view of its subsequent results was perhaps the enactment of what was known as the Rose County local option law. This provided that thirty-five per cent of the qualified electors of any county might petition the commissioners or any judge of such county for a local election to determine whether or not intoxicating liquors should be sold within the county. Upon the presentation of such petition the question should be submitted to the qualified voters of the county. This law went into effect September 1, 1908, and under it before the end of the year sixty-two out of eighty-eight counties in the state voted dry, thus closing 1,902 saloons. A provision of the law which was bitterly

denounced by those engaged in the liquor traffic permitted dry towns in a county that voted wet to remain dry, but required wet towns in counties voting dry to close their saloons. The promptness with which so many counties early voted dry led many to think that Governor Harris, who had favored the measure, would certainly be elected in November. The effect, as we shall see, was quite the opposite.

The Republican State Convention met March 3, 1908 and by acclamation nominated a full state ticket with the name of Governor Andrew L. Harris at its head. William H. Taft was cordially endorsed for the presidential nomination. Delegates at large were chosen and the two United States senators from Ohio, Foraker and Dick, were left out in the cold. The Republican National Convention convened in Chicago June 16. Following is the list of delegates to this convention from Ohio:

Delegates at large: Andrew L. Harris, Eaton; Myron T. Herrick, Cleveland; Arthur I. Vorys, Lancaster; Charles P. Taft, Cincinnati.

Districts: 1—Geo. B. Cox, Cincinnati; Julius Fleischmann, Cincinnati. 2—Wade H. Ellis, Cincinnati; John Dornette, Jr., Cincinnati. 3—Charles W. Bieser, Dayton; Daniel W. Allaman, Dayton. 4—Frank T. Conkling, Greenville; D. C. Henderson, Lima. 5—James D. Hill, Montpelier; Wm. H. Daley, Van Wert. 6—H. M. Brown, Hillsboro; Chas. Q. Hildebrant, Wilmington; Marcus Shoup, Xenia; R. W. Gilchrist, Lebanon. 7—W. P. Orr, Piqua; J. Warren Keifer, Springfield. 8—A. J. Miller, Bellefontaine; Wm. R. Wilson, Urbana. 9—Noah H. Swayne, Toledo; P. K. Tadsen, Port Clinton. 10—Edwin Jones, Wellston; Philo S. Clark, Portsmouth. 11—Clinton L. Posten, Athens; Zane W. Burley, Crooksville. 12—J. D. Ellison, Columbus; H. M. Daugherty, Columbus. 13—Grant E. Mouser, Marion; Charles A. Judson, Sandusky. 14—F. V. Owen, Mount Vernon; A. L. Garford, Elyria. 15—A. M. Morris, Caldwell; S. A. Weller, Zanesville. 16—Marshall N. Duvall, Steubenville; Jas. F. Anderson, Bellaire. 17—C. B. McCoy, Coshocton; Harry Bartollette, Shreve. 18—Jas. A. Martin, Lisbon; Henry A. Wise, Canton. 19—P. C. Remick, Jefferson; A. J. Rowley, Akron. 20—H. C. Baehr, Cleveland; Ernest S. Cook, Cleveland. 21—T. E. Burton, Cleveland; F. L. Taft, Cleveland.

The Democratic State Convention convened in Columbus, March 6, and nominated Judson Harmon for governor, against the strong opposition of Tom L. Johnson of Cleveland. Atlee Pomerene, of Stark County, was nominated for lieutenant governor. The Democratic National Convention met in Denver July 7. Following is the list of delegates from Ohio:

At large: W. S. Thomas, E. W. Hanley, M. R. Denver, Tom L. Johnson.

Districts: 1—Max Goldsmith, Thomas P. Hart. 2—J. M. Rice, E. J. Dempsey. 3—C. E. Mason, C. C. Foss. 4—Charles C. Marshall, George Sigafoos. 5—W. A. Troup, William H. Dehne. 6—A. K. Runyan, J. M. Fletcher. 7—James Johnson, Jr., M. K. Gantz. 8—T. E. Dye, C. E. Jordan. 9—E. A. Powers, William Watts. 10—Joseph McGee, S. Silverman. 11—S. D. Webb, M. A. Daugherty. 12—James Ross, John C. Felton. 13—Carl H. Henkel, William H. Rinehart. 14—H. L. Stewart, Allen S. Beach. 15—E. A. Evans, W. H. Davis. 16—D. M. Gruber, John T. Flynn. 17—J. E. Hurst, Emmett Lee. 18—T. S. Arnold, E. H. Moore. 19—E. F. Reinoehl, J. F. Flaherty. 20—T. P. Schmidt, Charles P. Salen. 21—Newton D. Baker, Matt Excell.

In both the republican and democratic national conventions the result was a foregone conclusion. The influence of Roosevelt in the republican party, while somewhat diminished in the last year of his administration, was still all powerful. He easily dictated his successor. It is said that he rejected Elihu Root because he had no commanding strength in the West; that between Hughes and Taft he chose the

latter. Some who were well acquainted with the inside history of the party have stated that it was really the desire of Roosevelt to be renominated himself; that he rather expected an overwhelming demand for his nomination. This, in the face of his positive declination, did not occur and the man of his choice, William H. Taft, was easily nominated.

An overwhelming majority of the delegates to the democratic convention had been pledged to the support of William Jennings Bryan and he was nominated without opposition in the midst of much manifest enthusiasm. The "money panic" of 1907 that created considerable political reaction led the democrats to hope for success. In Ohio there were frequent rumors of dissatisfied republicans who had concluded to vote for Bryan. Serious charges against the conduct of some of the elective state officers under republican rule, and revelations of corruption in the office of the state printer led to a reaction of considerable dimensions. Among republican leaders there was evident apprehension as the date of election approached. On national issues, the party won by its normal majority. Ohio gave Taft 572,312 votes and Bryan 502,721 votes.

The republican state ticket, however, did not fare so well. The result was as follows:

Republican—

Governor—Andrew L. Harris	533,197
Lieutenant Governor—Francis W. Treadway	548,442
Judge of Supreme Court—James L. Price	556,175
Judge of Supreme Court—John A. Shauck	554,222
Secretary of State—Carmi A. Thompson	556,073
Auditor of State—E. M. Fullington	547,970
Treasurer of State—C. C. Green	536,030
Attorney General—U. G. Denman	551,084
Board of Public Works—Bernard W. Baldwin	560,282
Board of Public Works—Wm. Kirtley, Jr	558,421
Dairy and Food Commissioner—R. W. Dunlap	563,895
Commissioner of Common Schools—John W. Zeller	560,080
Clerk of Supreme Court—John S. McNutt	559,653

Democratic—

Governor—Judson Harmon	552,569
Lieutenant Governor—David L. Rockwell	528,698
Judge of Supreme Court—Hugh T. Mathers	517,288
Judge of Supreme Court—George B. Okey	515,125
Secretary of State—J. H. Newman	518,225
Auditor of State—W. W. Durbin	524,954
Treasurer of State—D. S. Creamer	537,461
Attorney General—Timothy S. Hogan	521,819
Board of Public Works—Bernard Doran	511,301
Board of Public Works—J. A. States	512,155
Dairy and Food Commissioner—Com. David Eley	509,008
Commissioner of Common Schools—John A. McDowell	513,511
Clerk of Supreme Court—O. C. Larason	512,719

The causes of the defeat of Governor Harris are not far to seek. His position on the regulation of the liquor traffic was in advance of the public sentiment of the state at this time. He held the dry republican vote. He doubtless received the votes of a number of dry democrats, but the loss of the liberal or wet republican vote in the cities was much larger than his gain from the democrats. This caused his defeat. He was a grand old man and no question was ever raised in regard to his character and honesty. He was the last of the Civil war governors of Ohio and it can be truly said that in public and private life he was

an honorable representative of the men who donned the blue and went forth to battle for liberty and union in the days of 1861-1865. The conduct of the office of state treasurer and state auditor was under fire in the political campaign and this led to the defeat of the republican candidate for the former by a small margin. The presence of the liquor question in the state campaign doubtless reduced the majorities of all the republican candidates elected. Had it not been for the prominence of this issue the entire republican ticket would doubtless have been elected.

The last session of the Seventy-seventh General Assembly met in accordance with the constitution and the laws of Ohio on the first Monday of January, 9108. The Seventy-eighth General Assembly, elected in 1908 in accordance with the amendment to the Constitution ratified at the November election of 1905, would not meet in regular session until the first Monday in January, 1910. In this contingency Governor Harris called it to meet in extraordinary session January 4, 1909. This assembly was strongly republican in both branches. Governor Harris held office until January 11, 1909. He therefore had, when the assembly convened, a senate ready to consider with favor his appointments which were at once submitted and as promptly confirmed. For this action some of the democratic papers of the state severely criticized Governor Harris.

It was not until April 26, 1910, that a law was enacted which fixed the convening of the regular sessions of the General Assembly on the first Monday of January in the odd numbered years.

The question of the constitutionality of the Aiken law which increased the liquor tax from $350 to $1,000 was raised and the Supreme Court on January 2, 1907, rendered a decision sustaining the act. It had been claimed that when the law was signed by Governor Pattison he was not in a condition of health to know its contents. After members of his family had testified to his condition the Supreme Court rendered its decision. This was important as it settled questions that might be raised in regard to other acts signed by the governor and still others that were presented to him and became laws without his signature.

On May 26 Mrs. Ida McKinley, widow of William McKinley, died in Canton. A memorial monument to William McKinley was unveiled at Canton September 30 in the presence of a vast assembly of people. The principal address was delivered by President Roosevelt. James Whitcomb Riley read a dedicatory poem.

In January and March floods caused great damage in Marietta, Portsmouth and other Ohio River cities and villages.

Destructive fires occurred in Youngstown on January 20 and in Lorain April 30.

A collision on the Baltimore and Ohio Railroad at Bellaire on September 28 caused the death of eight persons and the injury of twenty-one.

In February, 1908, it was found necessary to call out the state troops to protect the tobacco growers of Clermont County against night raiders from Kentucky. The troops were called out again on May 5 for the same purpose. These raiders sought to destroy tobacco plants on the Ohio shore and thus limit the growth of the crop for the coming year and insure better prices.

On March 4 the Lakeview school building at Collingwood, a suburb of Cleveland, was consumed by fire and 161 children and teachers lost their lives.

A fire entailing a loss of about $200,000 occurred in Cleveland February 2. The plant of the Cleveland Plain Dealer was partly destroyed.

On May 22 a monument was dedicated to the late Senator Marcus A. Hanna in Cleveland. The principal address was made by Vice President Fairbanks.

ADMINISTRATION OF GOVERNOR JUDSON HARMON

Seventy-eighth General Assembly

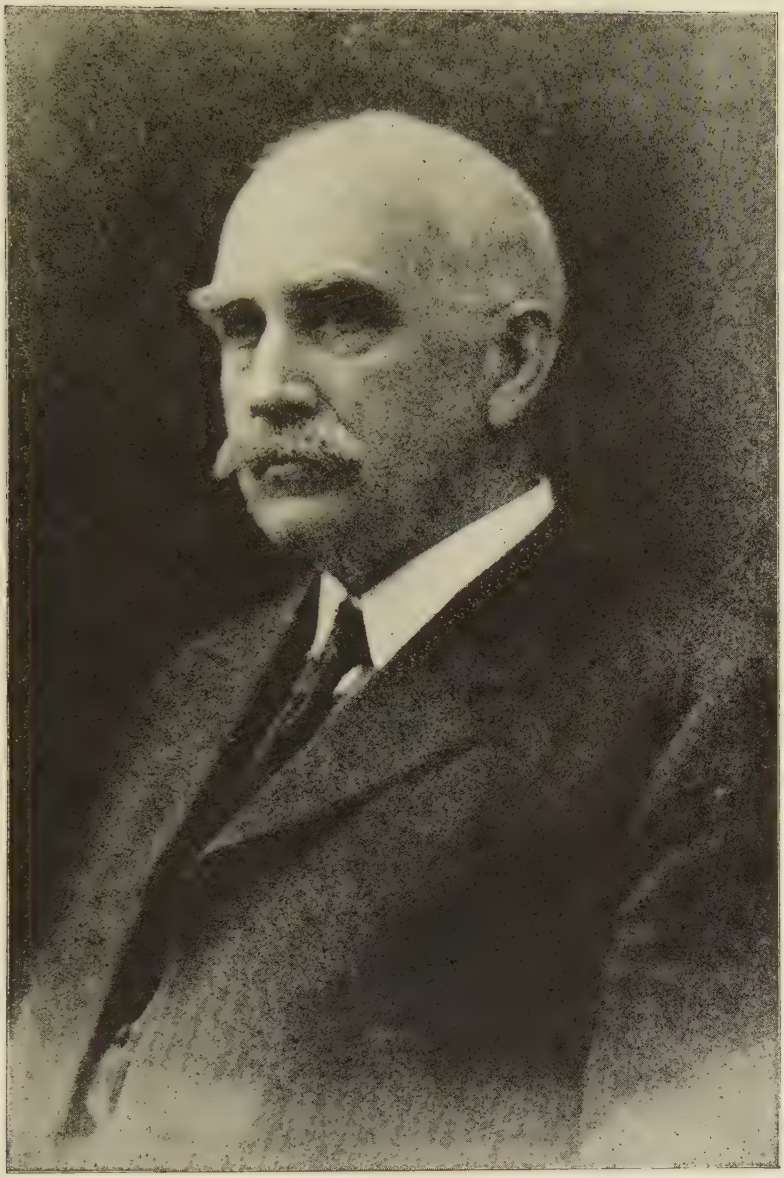
Extraordinary Session, January 4 to March 12, 1909

Judson Harmon came to the office of governor with a fine equipment for the discharge of its duties. His training and experience left little to be desired. He was a graduate from Denison University at Granville, Ohio; taught in the public schools; was graduated from the Cincinnati Law School and admitted to the bar; was twice elected judge of the Superior Court of Cincinnati and resigned to resume the practice of law. While on the bench he was an associate of J. B. Foraker. When he resigned, Foraker, who had become governor, appointed to fill the vacancy young William H. Taft. In June of 1895 President Cleveland appointed Judge Harmon attorney-general of the United States, a position which he filled to the close of Cleveland's term and which he left with added fame as a lawyer. He again resumed the practice of law, was appointed receiver of the Cincinnati, Hamilton & Dayton and the Pere Marquette railroads and discharged the trust with signal ability. This experience marked him as a man well fitted for the public service and the administration of large business affairs.

He was a staunch democrat of the Grover Cleveland school and disposed to hold aloof from what men of his conservative way of thinking considered the "rising tide of radicalism," which at the time of his reentrance into the political arena was inundating the lowlands of politics. He was willing to go with his party for certain popular reforms, but, as we shall see later, he stopped short of the initiative and referendum. He insisted that on this question he was "from Missouri and must be shown" before venturing thus far. This brought him, in his candidacy for the presidential nomination, the opposition of William Jennings Bryan and his large following in the democratic party.

Governor Harris called the general assembly into extraordinary session for the specific purposes of electing a United States senator and making appropriations for the maintenance of state departments and institutions for the interim before the regular session of 1910. On January 12, 1909, Theodore E. Burton was elected United States senator, the democratic candidate being James E. Campbell. The Legislature was republican in both Houses, Lieut-Gov. Francis Treadway presided over the Senate. Granville W. Mooney was elected Speaker of the House. The appropriations bill for this season totaled approximately $8,363,000. Few laws of general importance were passed. Two measures affecting the educational policy were enacted, the law providing for agricultural extension work by the College of Agriculture and Domestic Science of the State University and another permitting city school boards to provide for medical inspection of pupils.

The terms of a number of state officials appointed by Governor Pattison had not been automatically lengthened to correspond with those of elective officials, under the provisions of the recent law. These terms had expired at various dates in 1908. Governor Harris had filled the vacancies by what were known as "recess appointments." On January 4th, when the senate convened, the governor submitted a list of these appointments requesting their confirmation. They included: Chief engineer board of public works, appointed May 21, 1908, for term ending May 21, 1910; superintendent of insurance, term ending June 2, 1911; member of board of managers Soldiers' Home, term ending May 26, 1913; state fire marshal, term ending May 31, 1910; superintendent of banks, term ending June 5, 1912; state highway commissioner, term ending June 30, 1912, and some fifteen others, including trusteeships of various state institutions. At the same time Governor Harris submitted the reappointment of a member of the state



Judson Harmon

Governor January 11, 1909—January 13, 1913. Born February 3, 1846; home, Cincinnati. Judge Common Pleas and Superior Courts; United States Attorney-General.

railroad commission, for the term beginning in February, 1909, and ending February, 1915. All these appointments were confirmed by vote of the senate on January 4th.

Governor Harmon was inaugurated January 11th. The next day he sent a special message to the Senate, the essential part of which follows:

"I wish to call your attention to some reasons which, I believe, should lead to the reconsideration of the vote whereby various appointments by the governor were recently confirmed. * * * My election as governor plainly meant that the people want a change of administration. This cannot be accomplished by changing the chief executive only, but he must be left free with respect to the other officials whose selection is left by law to him. The long established order of things in Ohio and elsewhere makes appointments to executive positions in each administration terminate practically with it, as far as possible, so that the new governor in organizing the executive force of the state can make such changes as he thinks advisable. * * * This salutary arrangement has now been disturbed by the denial to Governor Pattison's appointees of the additional years which, by virtue of the recent amendment to the Constitution changing the time of elections, they should have had, the same as his successor and other officers. If the men who were put in to fill their places should now be fastened there for full terms, their tenure will extend well into the last year of my term. * * *

"In one instance, at least, an appointment has been sent into a position which will not become vacant until a considerable time after my term begins. Apart from the question of the legality of this action, I am sure no fair man will affirm, after reflection, that it meets the requirements of official propriety for a retiring governor in the very last days of his term to fill a place which will not fall vacant until after he has himself gone out of office. * * *

"If the only governor to be affected were myself, I should hesitate to speak lest it be thought that my motive is unduly personal. But each and every one of my successors in office will be handicapped the same as myself, if what has been done should be allowed to stand and become a precedent. If I have to work with Governor Harris' appointees until near the close of my term, the next governor will have to work with mine, and so on indefinitely."

On January 21st Governor Harmon sent to the Senate his appointment of John Sullivan for member of the railroad commission, instead of J. C. Morris, the appointee previously confirmed. By a vote of 20 to 13 this appointment was referred to the committee on railroads and telegraphs. In the meantime Senator Huffman had offered a protest against the appointment of Morris, contending that "the term of office does not begin until the first Monday in February, 1909, and no vacancy can occur in that office by the expiration of the present term until that date."

The last word in the controversy was said by the Senate committee on the judiciary, whose report was adopted, again by the vote of 20 to 13, on January 21st. The essence of the report is contained in these words: "The contention is made in the governor's special message that Governor Harris should have extended the terms of each of Governor Pattison's appointees for an additional year to correspond to the statutory extension of his own term made necessary by the constitutional amendment. In no case did the extension of term of office apply to any appointive office, and it applied only to such elective offices as expired in 'even years'; the purpose of such extension being to provide against the contingency of a vacancy which would otherwise have existed owing to the absence of any state election in the odd numbered years. Consequently there was no 'denial to Governor Patti-

son's appointees' of anything to which they were legally or morally entitled."

The third division of the report takes up the specific case of the railroad commissioner. The statute creating the railroad commission provided that "in January, 1909, and biennially thereafter, there shall be appointed and confirmed one commissioner for the term of six years from the first Monday in February of such year." The committee found, therefore, that the governor's appointment conformed to the strict letter of the Statute, and moreover was in the spirit of non-partisanship supposed to dictate the makeup of the commission.

The General Assembly meets on the first Monday of January following its election. The governor-elect is inducted into office one week later. This extends the retiring governor's term one week into the session of the newly chosen General Assembly. When a majority of the Senate of this assembly is of the same political party as the retiring governor, but opposed to the party of the incoming governor, the Senate usually receives the names of all recess appointees of the retiring governor and confirms them promptly, before the new governor comes in. This is what occurred immediately preceding the inauguration of Governor Harmon. It has occurred at least once since. A new General Assembly and a retiring governor might enact a law and approve it before the incoming governor took his seat and violate neither the Constitution nor any statutory law.

When these things occur, the incoming governor and his party seriously object on the ground that the people elected him because they desired a change throughout the entire executive department, while the opposing majority of the General Assembly insists that if this was what the people desired they would have elected a State Senate of the new governor's party to confirm his appointments. And this excuse for withholding confirmation is sometimes made, even when a governor of one party sends appointments to the Senate in which the controlling majority is of the opposite party.

If a "sweeping change" is what the people desire and what they should have when the retiring and the incoming governors are of opposite political parties, the terms of all officers and employes appointed by the governor should automatically end on the day of his retirement and the positions should be filled by his successor without confirmation by the Senate. No governor, perhaps, ever seriously considered the recommendation of such a policy. Governor Harmon was certainly not in favor of it in all cases, for in his message of January 2, 1911, in recommending a slight change in the tax commission law he said:

"I recommend that the term of the members of the commission be made longer. It is such an important body that no means should be spared to make it efficient. The term should be six years and the first appointments be for two, four and six years, respectively."

This of course would enable the governor to appoint a board of commissioners, a majority of which would hold office for the entire term of his successor.

While the present system at times leads to some confusion and an occasional failure in some department to locate party responsibility, it it doubtless better, on the whole, than the "clean sweep." The extension of the civil service to certain offices that should be outside of the influence of the "sweeping" process might be an improvement.

June 18, 1909, Dayton celebrated "home coming" for Orville and Wilbur Wright. As described by the *Cincinnati Enquirer,* the crowning feature was a great parade. Headed by military and civic bodies, organizations of G. A. R. veterans, hundreds of costumed heralds, sword-bearers and retainers of ancient guild, about thirty floats passed through the city's streets, accompanied by fifteen brass bands. The floats represented all the stages of locomotion—the Indian canoe, the pack train, the covered wagon, canal boat, first railroad train, steamboat of

old design, bicycles antiquated and modern, automobile, American balloon, dirigible airship, and last the aeroplane.

At the fair grounds, where the other formal ceremonies were held, the Wright brothers were reminded of the honors and distinctions showered upon them by the governments of Europe, and awarded new tokens of esteem in America. Bishop Wright, father of the inventors, offered the invocation. In the course of his address, Governor Harmon said: "The sons and daughters of Ohio have given her the high repute she bears among the commonwealths of the world. * * * Among these, you sirs," addressing directly the brothers, "have gained a place by genius, backed by labor and directed by practical intelligence."

By their achievement the Wright brothers brought enduring fame to their home city and the State of Ohio.

Seventy-eighth General Assembly

Regular Session, January 3 to May 10, 1910

A very important act of the session was the Langdon tax commission law, which went into effect July 1, 1910. It marked a sincere endeavor to tax all property as the constitution of 1851 intended—at the full value in money. In his message of January 19, 1909, the governor, referring to the large number of boards with jurisdiction over taxation, recommended "a single board of three members to replace all existing boards which have to do with such taxation, who shall give their entire time to the work now assigned to these boards."

The special session having made no response to this recommendation, Governor Harmon reviewed the subject of taxation at great length in his message of January 3, 1910. He favored a limitation of one percent (ten mills) above which the rate should not be raised without a vote of the people. The city boards of review were then appointed by the state auditor, secretary of state and attorney general; the Governor recommended that the appointment of such boards be transferred to the mayors of the respective cities. In opening the state campaign in September, 1910, Governor Harmon said: "A tax commission was finally created * * * but * * * the appointment of city boards of review was left in the hands of state officers * * *. For this reason chiefly I withheld my approval, though the bill was allowed to become a law for its good features, many of which were taken from a bill drawn with my assistance. Taxpayers were protected against higher taxes, under the new appraisement of real estate, by limiting the total to be levied in any year to the amount levied under the present valuations, but by the almost unanimous vote of the majority the further limit of one percent for all purposes, without a vote of the people, was rejected and the limit made one and a half percent instead."

Among other subjects considered by the assembly in 1910, were: agricultural education; several laws relating to banks and banking; slight amendments to child labors laws; law authorizing the governor to remove a sheriff who permits a mob to take prisoner from his custody; a commission to investigate employers' liability law and workmen's compensation; and a statute requiring selection of candidates for Congress and delegates to national conventions at primary elections by popular vote.

The political campaign of 1910 involved the election of a state ticket and a general assembly that would choose a United States senator, but it also afforded opportunity for the preliminary skirmishes in the national campaign of 1912. Indeed some of the factors of that later campaign made their appearance in this.

There had been a growing demand for the popular election of United States senators. That would require an amendment to the national constitution. Pending such change, efforts were made to bring their

choice as nearly as possible to the people. The first step in that direction was the endorsement of candidates by party convention. This arrangement did not satisfy the progressive element of either party. Theodore Burton appealed to the General Assembly to pass a law providing for the nomination of United States senators by direct vote. Such a law was enacted, but it was permissive, not mandatory. Senator Charles Dick entered the race for primary nomination without opposition. President Taft, in the meantime, had declared in favor of the principle of popular election of United States senators.

Among the democratic leaders hope ran high that united and harmonious action would insure the ascendancy of the party in the state, with bright prospects for paving the way to the White House for Ohio's favorite democratic son at the next presidential election. Governor Harmon, it was believed, had grown in strength with the people since his election. His views on taxation were popular. The misdeeds of some minor republican appointees had weakened their party. If Governor Harmon could be reelected, it seemed that he would be a formidable candidate for nomination and election to the presidency of the United States.

To prepare the way for the realization of this fine prospect controversies and contests within the democratic party must be reduced to a minimum. It would be unwise, reasoned the democratic leaders, to mar a harmonious democratic convention and a promising campaign with a contest for the United States senatorship.

The Democratic State Convention opened in Dayton June 21, and it was completely under the control of the Harmon forces. References to Bryan, who was known to be unfavorable to Harmon's presidential aspirations, aroused no enthusiasm in the convention. Chairman Atlee Pomerene lauded Harmon's administration for three things: Elimination of graft; business methods and economy in public expenditures; reform of the tax system. The platform adopted declared in favor of a one percent tax limit, direct election of United States senators, the initiative and referendum, and nonpartisan judicial elections. Harmon was renominated for governor, and at the same time was endorsed for president.

Among the republicans in the early part of the year, the two names most frequently mentioned in connection with the nomination for governor were Carmi A. Thompson and Warren G. Harding, each getting the endorsement of a number of county conventions. It was reported that a combination between the Cincinnati and Cleveland leaders had decided to support Judge O. B. Brown of Dayton for governor and Myron T. Herrick for United States senator. A little later another group started a boom for James R. Garfield, former member of Roosevelt's cabinet.

The state convention met in Columbus July 26. Charles Dick was chosen chairman. Carmi Thompson withdrew from the race, and the four names presented to the delegates at the first ballot, with the votes given each were: W. G. Harding, 485; Judge O. B. Brown, 413; James R. Garfield, 73; Nicholas Longworth, 92. On the third ballot, Harding was nominated, getting 746 votes to 120 for Brown. The platform adopted was a conservative declaration, and included an endorsement of the Taft administration and the Payne-Aldrich tariff law.

The entire democratic state ticket was elected. Governor Harmon led with an overwhelming majority, his vote exceeding that of Harding by a little more than one hundred thousand. The legislature chosen was democratic in both branches. Assuredly the prospects for the elevation of Judson Harmon to the highest office within the gift of the American people was very bright when the result of the election became known. No political prophet would then have had the hardihood to predict that Warren G. Harding, and not Governor Harmon, would become president of the United States.

SECOND ADMINISTRATION OF GOVERNOR JUDSON HARMON

Seventy-ninth General Assembly

Regular Session, January 2 to May 31, 1911

At the opening of the session retiring Lieutenant Governor Francis W. Treadway called the senate to order. He was succeeded one week later by Lieutenant Governor Atlee Pomerene who had been elected in November. Samuel J. Vining was elected speaker of the house of representatives. Honorable William Green was chosen president pro tem of the senate. He conspicuously represented organized labor, and even then gave promise of the eminence he has since attained as president of the American Federation of Labor.

The vote of the November (1910) election was canvassed and the following official result announced:

Democratic

Governor—Judson Harmon	477,077
Lieutenant-Governor—Atlee Pomerene	439,154
Secretary of State—Charles H. Graves	423,580
Treasurer—D. S. Creamer	427,632
Attorney-General—Tim. S. Hogan	418,768
Commissioner of Common Schools—F. W. Miller	419,885
Member Board of Public Works—Jos. A. States	421,241
Judge of Supreme Court—James G. Johnson	430,168
Judge of Supreme Court—M. H. Donahue	423,052
Clerk of Supreme Court—Frank McKean	422,022
Dairy and Food Commissioner—S. E. Strode	417,636

Republican

Governor—W. G. Harding	376,700
Lieutenant-Governor—F. W. Treadway	393,623
Secretary of State—G. W. Mooney	405,375
Treasurer—R. W. Archer	401,562
Attorney-General—U. G. Denman	410,806
Commissioner of Common Schools—J. W. Zeller	404,286
Member Board of Public Works—G. H. Watkins	401,919
Judge of Supreme Court—A. N. Summers	396,036
Judge of Supreme Court—W. P. Crew	391,475
Clerk of Supreme Court—J. S. McNutt	403,168
Dairy and Food Commissioner—R. W. Dunlap	408,696

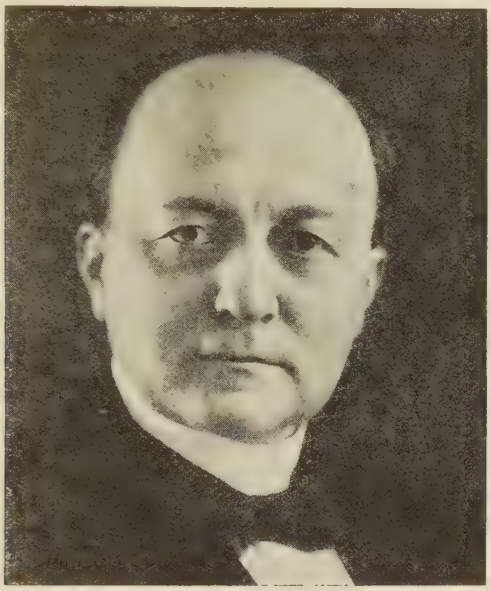
Lieutenant Governor Atlee Pomerene was chosen United States senator to succeed Senator Charles Dick. He continued to preside over the state senate until March, when he resigned to enter upon his new duties and was succeeded by Hugh L. Nichols, whom Governor Harmon appointed to fill the vacancy. The rise of Senator Pomerene to membership in the highest legislative body of the United States had been rapid, but native ability, scholarly attainments and flattering success in the practice of the law eminently fitted him for the high position to which he was promoted. In the United States senate through two terms he made a record unsurpassed by any other man of his party who has represented Ohio in that body and left it the peer of Thurman and Pendleton. He is recognized as a statesman of presidential equipment and may yet be called to lead his party in a national campaign. His entire life has been spent in Ohio.

On January 2 Governor Harmon sent the final message of his first term to the general assembly. In this he renewed his previous recommendations. He emphasized especially the one-per-cent tax rate limitation; the extension of the term of the members of the tax commission; the approval of the income tax amendment to the federal constitution;

the continued improvement of certain sections of the canals; a single board for the state's penal, benevolent, and reformatory institutions; the extension of the market for prison-made goods to counties, townships and municipalities; continued support of the normal school enterprises already under way and the preparation of teachers to give instruction in the subject of agriculture.

On the subject of corrupt practices he said:

"No satisfactory or even creditable reason has ever been suggested why the Garfield law was repealed in 1902 after being in force only six years, leaving the state without any law on the subject. The revelations of traffic in votes in Adams County which have startled the entire country call for prompt action. It is not the existence or discovery of wrong-doing that brings shame to a state, but failure to put a stop to it."



Atlee Pomerene

During the winter of 1910-11 investigations had been made in Adams and Scioto counties, revealing a widespread system of vote selling. As the result of the grand jury investigation, almost one-third of the voters of Adams County were indicted. At the invitation of Judge A. Z. Blair, of the court of common pleas nearly two thousand voters came to the county seat and were fined and given a suspended sentence to the workhouse. Evidence showed that over a period of years it had been customary to distribute between ten thousand dollars and twenty-five thousand dollars at elections in these counties.

Although each branch of the General Assembly had a working majority of democratic members, that body did not move with alacrity in support of Governor Harmon's recommendations. On April 26, a caucus of the democratic members was called. The governor addressed it and specifically named seventeen bills which he asked to have passed. Practically all of these shortly afterward became laws. The more important enactments at this session provided for: a one-per-cent tax rate limit; a board of administration for state institutions; a state constitutional convention and the non-partisan nomination and election of delegates to it; penalties for corrupt practices; direct election of United States senators by the "Oregon plan"; a public service commission with powers "to regulate the rates and service and the supervision of the

operations and capitalization of every form of public service corporation"; the initiative and referendum for municipalities; the teaching of agriculture in rural and village schools; a nine-hour work day for employed women; workmen's compensation.

While the session was in progress hints of corruption were sometimes whispered about hotel lobbies. Few even remotely suspicioned, however, that a general assembly elected to inaugurate a new and better order of things and apparently working jealously to that end, could number among its prominent members those who would be tempted to barter their votes and influence. The news that was published broadcast in the closing days of April announcing that an investigation conducted by Detective William J. Burns had resulted in charges of corrupt practices by Ohio legislators, came like the proverbial bolt out of a clear sky. It was alleged that they had accepted money and other considerations for their votes. A grand jury was called and the legislature was kept in session until the investigation was completed. On May 3 indictments were brought against two members of the house and three senators who were subsequently convicted of accepting money and other considerations for their votes. An employee of the senate was also convicted. The three senators and the employee were sentenced to the penitentiary. One member of the house paid a fine of $500 and the other house member received immunity for confessing and aiding in the prosecution.

The municipal elections of 1911 seemed to indicate a continued drift from the republican party. Henry T. Hunt, democrat, was elected mayor of Cincinnati, defeating the candidate of the republican organization who had been endorsed by a letter from President Taft. George J. Karb, democrat, was elected mayor of Columbus over Mayor George S. Marshall, republican. Brand Whitlock was chosen for the fourth time mayor of Toledo, and Newton D. Baker, democrat, was elected mayor of Cleveland.

At the November election delegates were elected to the fourth constitutional convention of Ohio.

Political power brings with it responsibilities. The people had given Governor Harmon an emphatic vote of confidence and had chosen a majority of the General Assembly of his own party to aid in enacting the measures that he advocated. It was not long, however, before differences began to develop between individual democratic members and the governor. These were not serious, but they occasioned delays in his legislative program.

While the governor was still popular with the masses, he reached the end of the year 1911 with a reduced following. This was due in a measure to influences over which he had no control. There can be no doubt that the bribery disclosures and convictions hurt the governor and his party, while they could not justly be charged to either. In eulogizing the achievements of Governor Harmon and his party in 1910, Atlee Pomerene placed first in the list of accomplishments the "elimination of graft." It now appeared that a change of parties had not eliminated graft. Republicans, although they were engaged in an internescine strife, found time to take advantage of this. They had been held responsible for the misdeeds of a comparatively small number of their party. Their opponents must now take a dose of their own medicine. While there was no politics in the bribery cases, republican politicians could not refrain from pointing out that all but one of the persons convicted were democrats.

The chief opposition to the governor, however, came from members of his own party who opposed his presidential aspirations. He had been invited to address the constitutional convention. He accepted the invitation. He was the first prospective candidate for president of the United States to appear before that body. He set the precedent of frankly stating his position on a question which was before the convention at the time—a question then of nation wide interest. His opposition

to the statewide application of the initiative and referendum, frankly but courteously expressed, insured strong opposition to his nomination for the presidency from his own state.

In the May primaries, Governor Harmon won a majority of the district delegates. He controlled the state convention, secured the six delegates at large and succeeded in having adopted the "unit rule" to apply to the Ohio delegation in the national convention. However, this was broken by a decision at Baltimore, permitting a number of the Ohio delegates to give their support to Woodrow Wilson. The nominee of the democrats for governor was James M. Cox of Dayton, who had championed the work of the constitutional convention including the initiative and referendum proposal.

The democratic national convention met in Baltimore June 25, 1912. Following is the list of delegates from Ohio:

1912

At large—Jas. E. Campbell, Columbus; John H. Clark, Cleveland; Thomas J. Cogan, Cincinnati; M. A. Daugherty, Lancaster; J. H. Goeke, Wapakoneta; Wm. Green, Coshocton; J. A. McMahon, Toledo; H. L. Nichols, Batavia; Atlee Pomerene, Canton; Jas. Ross, Columbus; John L. Shuff, Cincinnati; W. S. Thomas, Springfield.

Districts

1. Samuel Murray, Cincinnati; John W. Peck, Cincinnati.
2. Thomas Connors, Cincinnati; J. W. Devanney, Glendale.
3. Ed W. Hanley, Dayton; E. C. Sohngen, Hamilton.

The Democratic National Convention met in Baltimore June 25, 1912. Following is the list of delegates from Ohio:

At large—Jas. E. Campbell, Columbus; John H. Clark, Cleveland; Thomas J. Cogan, Cincinnati; M. A. Daugherty, Lancaster; J. H. Goeke, Wapakoneta; Wm. Green, Coshocton; J. A. McMahon, Toledo; H. L. Nichols, Batavia; Atlee Pomerene, Canton; Jas. Ross, Columbus; John L. Shuff, Cincinnati; W. S. Thomas, Springfield.

Districts: 1—Samuel Murray, Cincinnati; John W. Peck, Cincinnati. 2—Thomas Connors, Cincinnati; J. W. Devanney, Glendale. 3—Ed W. Hanley, Dayton; E. C. Sohngen, Hamilton. 4—W. A. Browne, Greenville; H. C. Fox, Coldwater. 5—John S. Snook, Paulding; J. W. Smith, Ottawa. 6—M. D. Denver, Wilmington; J. W. Lingo, Lebanon. 7—P. J. Shouvlin, Springfield; Jeff. M. Combs, Troy. 8—W. W. Durbin, Kenton; Geo. W. McCracken, Urbana. 9—F. A. Baldwin, Bowling Green; H. A. Ashey, Toledo. 10—M. F. Merriman, Gallipolis; Valee Harold, Portsmouth. 11—Van A. Snider, Lancaster; Jacob Dean, Pomeroy. 12—Fred J. Heer, Columbus; B. H. Harmon, Columbus. 13—Ira R. Pontius, Upper Sandusky; W. H. Rinehart, Sandusky. 14—Charles Beer, Ashland; Don J. Young, Norwalk. 15—R. T. Scott, Cambridge; H. T. Sutton, Zanesville. 16—Jas. McConville, Steubenville; D. E. Yost, Woodsfield. 17—J. R. Fitzgibbon, Newark; L. S. Hitchcock, Millersburg. 18—Ed. H. Moore, Youngstown; J. J. Whitacre, Canton. 19—L. C. Koplin, Akron; A. S. Frister, West Farmington. 20—T. P. Schmidt, Cleveland; Charles W. Lapp, Cleveland. 21—Newton D. Baker, Cleveland; R. J. Bulkley, Cleveland.

Four candidates were presented to the convention. On the first ballot Governor Harmon stood third. Woodrow Wilson was nominated on the forty-sixth ballot.

The presidential campaign of 1912 was one of the most remarkable in the history of the United States, especially on the republican side. Roosevelt, who four years previously had dictated the nomination of Taft, was now arrayed against him. The two had been warm personal friends. They were generally regarded as men of higher type than the average practical politician—men who would not resort to bitter personalities, to charges and counter charges from the hustings and the abandonment of that dignity which good citizens like to associate with

the presidency of the United States. The sober minded, who were not bound up with the political fortunes of either, were grieved to see these high minded statesmen get into a rough and tumble political fight for office and vindication. The multitude, however, followed these two leaders and arrayed themselves in hostile camps in every state of the Union.

The campaign for the republican nomination began early. On January 1, 1912, the Ohio Progressive Republican League organized in Columbus, ostensibly to promote La Follette's candidacy for the presidency, but through the influence of Gifford Pinchot and James R. Garfield it took a non-committal stand for Roosevelt. On February 21 Roosevelt himself made a speech before the Ohio Constitutional Convention, which was generally regarded as the platform on which he would seek the nomination. In it he declared in favor of the initiative and referendum and other progressive measures popular at the time, but cautiously modified his approval of these in such a way as not to alienate his conservative friends who viewed with concern the "radical" tendency of the times. It was in this speech that Roosevelt suggested as a substitute for the recall of judges, a recall of judicial decisions—a novel reform that occasioned much editorial comment. Soon after this address he formally announced his candidacy and the battle was on for delegates to the National Republican Convention.

At the primaries the Roosevelt delegates received 165,809 votes, the Taft delegates 118,362 and the La Follette delegates 15,570. Taft delegates were chosen from the two Cincinnati districts. At the republican state convention, June 4, Taft was endorsed by a vote of 393½ to 359½, and was given the six delegates-at-large from the state.

The Republican National Convention convened in Chicago June 16, 1912. Following is the list of delegates from Ohio:

At Large—H. M. Daugherty, Columbus; W. G. Harding, Marion; David J. Cable, Lima; T. E. Burton, Cleveland; A. I. Vorys, Columbus; C. P. Taft, Cincinnati.

Districts: 1—J. Fleischmann, Cincinnati; Sam L. Mayer, Cincinnati. 2—Geo. P. Schott, Cincinnati; R. J. Hillenbrand, Cincinnati. 3—Daniel W. Alaman, Dayton; John C. Hooven, Hamilton. 4—Carl D. Jones, Greenville; J. C. Pence, Lima. 5—Allen Bybee, Paulding; Frank Carlo, Van Wert. 6—Carroll C. Eulass, ———; Robert J. Shawhan, Lebanon. 7—John L. Bushnell, Springfield; I. K. Funderberg, New Carlisle. 8—N. L. MacLachlan, Findlay; Lewis Slack, Delaware. 9—Carl D. Finch, Bowling Green; Geo. E. Hardy, Toledo. 10—Sherman H. Eagle, Gallipolis; Philip M. Streich, Portsmouth. 11—Henry Zenner, Athens; James Thomas, Logan. 12—Karl T. Webber, Columbus; King G. Thompson, Columbus. 13—Thomas P. Dewey, Clyde; Carl J. Gugler, Galion. 14—A. L. Garford, Elyria; H. G. Hammond, Buckeye City. 15—David L. Melick, Roseville; Arthur C. Smith, Byesville. 16—Emmett E. Erskine, Steubenville; Cook Danford, Bellaire. 17—Enos S. Souers, New Philadelphia; A. S. Mitchell, Newark. 18—Emil J. Anderson, Youngstown; Harry A. March, Canton. 19—W. J. Beckley, Ravenna; Edwin Seedhouse, Akron. 20—A. D. Aylard, Medina; Jos. H. Speddy, Lakewood. 21—J. W. Conger, Cleveland; John J. Sullivan, Cleveland.

The name of President Taft was presented by Warren G. Harding. Taft was nominated on the first ballot. He received fourteen votes from Ohio, thirty-four Roosevelt delegates from that state refrained from voting.

The Republican State Convention, which met in Columbus June 3 adjourned until July 2. Senator Burton was the recognized leader of the Taft forces. Walter F. Brown, chairman of the State Central Committee was the leader of the Roosevelt adherents. Judge E. B. Dillon was nominated for governor, but subsequently withdrew, his place being

filled by the executive committee who appointed Robert D. Brown of Zanesville. Beecher W. Waltermier was named for lieutenant governor.

On August 5 the progressives assembled in convention in Chicago, formulated the platform of a new national party and nominated Colonel Theodore Roosevelt for president. The thirty-four republican delegates to the national republican convention were practically all present at this convention and among the most active of the Ohio delegation in support of Roosevelt. Prominent among these were King G. Thompson, John J. Sullivan and E. E. Erskine. Among the well known Ohio leaders were James R. Garfield and Thomas H. Clark.

Progressive electors nominated at state convention of September 4 were: At large,[1] J. W. Conger, of Cuyahoga; Dr. A. O. Zwick of Hamilton and Dr. E. L. Rexford of Franklin. Districts—1, William Littleford; 2, E. F. Nippert; 3, T. E. Bock; 4, J. C. Pence; 5, George D. Crider; 6, D. F. McCoy; 7, W. H. Brainerd; 8, F. S. Johnson; 9, Frank E. Meek; 10, Carl H. Henson; 11, Edgar Ervin; 12, King G. Thompson; 13, Henry Graefe; 14, T. W. Latham; 15, T. W. Scott; 16, George A. Blackford; 17, E. M. Dorner; 18, Sherman T. Brucker; 19, John E. Thomas; 20, George V. Riley; 21, H. W. Osborn.

On September 4 the Progressive Party held their state convention and nominated Arthur L. Garford for governor and L. J. Taber for lieutenant governor.

At the November election the Ohio vote for president was distributed among the three candidates as follows: Wilson, 424-834; Taft, 278,168; Roosevelt, 229,807; Debs, 90,144. At this election the non-partisan ballot for judges was first used. For the long term a democrat and a progressive were elected; for the short term a democrat was chosen.

The combined vote for Taft and Roosevelt exceed that for Wilson by 83,241, but Wilson's plurality was slightly in excess of 147,600.

ADMINISTRATION OF GOVERNOR JAMES M. COX

Eightieth General Assembly

Regular Session, January 6 to April 28, 1913

James M. Cox, who was inaugurated governor January 14, 1913, was born in Butler County in 1869, became a successful newspaper man, and was proprietor of the Dayton Daily News at the age of thirty. He was elected to the Sixty-first Congress in 1908 and was reelected in 1910 for the term ending March 3, 1913. Hugh L. Nichols, who had been appointed lieutenant-governor by Governor Harmon, was elected to that position and by virtue of his office continued to preside over the Senate. Charles L. Swain of Hamilton County was chosen speaker of the House of Representatives.

The returns for the constitutional state officers were canvassed and the result announced on January 7th. The vote cast for the candidates of the democratic, republican and progressive parties, as recorded by the secretary of state, was as follows:

Governor:
- James M. Cox, democrat.....439,323
- Robert B. Brown, republican.....272,500
- Arthur L. Garford, progressive.....217,903

Lieutenant-Governor:
- Hugh L. Nichols, democrat.....430,253
- Beecher W. Waltermire, republican.....280,732
- L. J. Taber, progressive.....213,312

[1]Ohio now had one congressman-at-large, hence the three electors-at-large, one for each United States senator from Ohio and one for the congressman-at-large.

James M. Cox

Governor January 13, 1913—January 11, 1915. January 8, 1917—January 10, 1921. Born March 31, 1870; home, Dayton. Congressman; democratic candidate for president.

Secretary of State:
Charles H. Graves, democrat.....432,082
Thomas L. Lewis, republican.....283,767
John L. Sullivan, progressive.....208,458
Auditor of State:
A. V. Donahey, democrat.....423,237
E. M. Fullington, republican.....294,144
Charles L. Allen, progressive.....204,929
Treasurer of State:
John P. Brennan, democrat.....425,680
R. W. Archer, republican.....292,425
William Kirtley, Jr., progressive.....204,565
Attorney-General:
T. S. Hogan, democrat.....437,539
Freeman T. Eagleson, republican.....285,690
Robert R. Nevin, progressive.....201,025
Dairy and Food Commissioner:
S. E. Strode, democrat.....431,640
T. L. Calvert, republican.....294,667
E. E. Baker, progressive.....191,318
Clerk of Supreme Court:
Frank E. McKean, democrat.....431,640
Thomas J. Edwards, republican.....300,365
Charles T. Bromley, progressive.....192,307

As this was the first election in which judges of the Supreme Court were chosen on a ballot without party designation the vote is here given for each candidate. There were two judges to elect for a long term and one for a short term. The names of candidates for the long term were arranged in separate groups—seven candidates were voted for in group one, and six in group two. The vote was as follows:

Judge of Supreme Court (Long Term, Group 1):
James L. Alread.....134,852
Emmett E. Erskine..... 52,866
Reynolds R. Kinkade.....160,628
John C. Madden..... 99,512
Oscar W. Newman.....217,943
Hewson L. Peeke..... 26,457
E. Jay Pinney..... 38,407
Judge of Supreme Court (Long Term, Group 2):
Harry W. Schroeder..... 96,310
William E. Scofield.....190,822
David Thomas 76,809
R. M. Wannamaker.....221,156
E. R. Weethee..... 23,756
Louis H. Winch.....136,120
Judge of the Supreme Court (Short Term):
Norman L. Burnett..... 89,968
George S. Hawke..... 49,739
William T. Spear.....186,372
Charles A. Thatcher.....143,824
J. Foster Wilkin.....232,224

Of the three judges elected, Newman and Wilkin were democrats; Wannamaker was a progressive.

At this election a congressman-at-large was elected. The result was as follows:

Congressman-at-Large:
Robert M. Crosser, democrat.....423,311
Lawrence K. Langdon, republican.....297,355
Harry D. Thomas, socialist..... 91,201
Frank W. Stratton, prohibitionist..... 11,862
Randolph W. Walton, progressive.....192,799

The General Assembly had the responsibility of formulating a large amount of legislation necessary to give effect to the provisions of the new constitution. A local paper[1] spoke approvingly of the work of the regular session because it had redeemed eleven platform pledges, and mentioned among important measures the provisions for "the short ballot," separation of state and national ballots (a law repealed by the next General Assembly), local home rule (the Smith model charter bill), physical valuation of public utilities, ratification of amendment providing direct election of United States senators, good roads legislation, prison reform, and licensing of the liquor traffic.

A civil service system, with numerous exceptions to its provisions, was established for the state, counties, cities and city schools, with three state commissioners of civil service. A law was passed permitting, in civil cases, a verdict by not less than three-fourths of the members of the jury. In connection a bill increasing the number of members of the state board of charities from seven to nine, and giving it closer working operation with the Juvenile Court, provisions were made for a "mothers' pension law."

The compulsory employes' compensation law went into effect June 15, 1913. It was claimed that the manufacturers had been paying enough to the liability insurance companies to compensate injured workmen and dependents if the money went directly to the sufferers. The law made the State Liability Board a trustee in the administration of the fund paid in by the manufacturers and eliminated many of the delays and much of the expense of litigation in settling claims based on industrial accidents.

As an emergency act the governor was authorized to appoint a commission to make a survey of common schools, normal schools and the state agricultural school as to their efficiency. An indeterminate sentence law was passed. Laws were also enacted providing for a modified form of the Torrens system of land tenure; a state industrial commission of three members on September 1, 1913, to succeed to the duties of several departments and in addition to have power to regulate hours and working conditions in industries; a state agricultural commission of four members to succeed to the duties of the state board of agriculture, the dairy and food commissioners and several similar bodies; a state commission of three to administer the licensing of traffic in intoxicating liquors, the state commission to appoint two county commissioners in each wet county, with a general provision that not more than one license could be issued to each unit of 500 population; a law establishing a budget system, the budget for the state departments and institutions to be submitted by the governor to the Legislature; a bill for regulation and inspection of private banks; a bill requiring all lobbyists to register and pay a license fee; establishment of a day school for prisoners in Ohio penitentiary; establishment of board of censors for motion pictures; regulation of sale of bonds, stocks and other securities, and real estate not located in Ohio (Blue Sky Law); municipal government and authorizing cities to adopt any one of three plans of local government, the commission plan, city manager plan, or federal plan, in each case the initiative, referendum and recall to be incorporated in the plan; the licensing of motor vehicles, a measure which reflected the necessity of control and regulation growing out of the rapid development of the automobile industry.

August 8, 1913, became effective the law establishing the Public Utilities Commission of Ohio, which succeeded to all the powers of the Public Service Commission. The direct primary law, which went into effect January 1, 1914, required political parties to nominate candidates at primary elections; judicial offices were excepted, but the pro-

[1]Ohio State Journal, April 27, 1913.

visions extended to delegates and alternates to national conventions and also the use of "presidential preference" tickets.

What was known as the Warnes Tax Law, effective August 8, 1913, provided that the Tax Commission of Ohio should direct and supervise the assessment for taxation of all real and personal property. Each county was made an assessment district, under a district assessor or assessors. There was also a district board of complaints in each county, with power of review and adjustment of assessment valuations.

Under authority granted by the new constitution and the new law noted elsewhere, Dayton chose a city manager plan of municipal government and in November, 1913, elected its first commission. Springfield adopted a commission form of government. In Cincinnati, Henry T. Hunt, a reform democratic mayor, was defeated by Frederick S. Spiegel, republican. Karl Keller, republican, was elected mayor of Toledo, succeeding Brand Whitlock, who afterwards became ambassador to Belgium. In Cleveland, under the new charter, candidates were chosen on non-partisan tickets. Mayor Baker was reelected.

At the November election in 1913 amendments to the constitution were submitted providing for—the short ballot for state officers; short ballot for county and township officers; exemption from taxation of bonds issued by the state and its smaller political subdivisions; the reduction of the number of members in the Legislature. All of these amendments were overwhelmingly defeated. An amendment was also submitted providing for the eligibility of women to appointment to positions in the service of the state affecting the caring of women and children. This carried by a substantial majority. A referendum on a bill prohibiting the shipment of intoxicating liquors into territory where the sale of such liquors was prohibited was defeated by a large majority.

Eightieth General Assembly

Extraordinary Session, January 19 to February 16, 1914

On January 6, 1914, Governor Cox called the Legislature into session chiefly to supplement the work of the regular session. His recommendations were arranged under nine heads. The first called for the adjustment of the school system to the progress of the day, and in accordance with the data supplied by the school survey commission, authorized by the regular session. The commission stressed "the subjects of consolidation, supervision and the training of teachers," and the governor urged particularly the extension of such beneficial features to the rural districts.

Toward the end of the regular session the seventeenth amendment to the federal constitution had been ratified, requiring the election of United States senators by direct vote of the people. It therefore became necessary for the General Assembly to make certain changes in the primary and election laws to conform to the amendment.

The governor called attention to the economies possible under the budget law. He recommended the repeal of the Appropriation Act of 1913 and the passage of a new bill, prepared in accordance with the provisions of the budget act.

Referring to the Warnes Automobile Law, he added: "The development of the automobile industry and the increased utility of this form of mechanism makes it certain that the police power of the state must be exercised in added measure for the control and regulation of this traffic."

He recommended safeguarding the initiative and referendum laws, declaring, "The effort to defeat progressive and humanitarian laws which was made during the last summer—particularly the workmen's compensation and the taxation measures—is so well known as the result of decisions by the highest judicial tribunal in this state and the secretary of state that they need not be recounted."

"The currency law recently passed by Congress," said he, "will place the state banks at some disadvantage unless they are, by state authority, permitted to become members of the federal reserve banks." He suggested that certain other privileges accorded to national banks should be granted to state banks.

The governor called attention to extraordinary expenses, totaling over $1,000,000, due to the floods of the previous year. Since the inauguration by Governor Harmon of a new method of handling state funds, it was claimed the state had received as interest on public moneys over $850,000. Referring to the character of the legislation of the regular session, he said, "The laws reflect not only a broader humanity, but the advantages along practical and economic lines are very striking. * * * No program of legislation has ever been so viciously attacked and so misrepresented as the laws which were passed at the regular session; and yet every succeeding day they rise higher in public estimate. * * * One million men and women in the shops and institutions of this state go to their labors now protected by the workmen's compensation law."

One of the problems discussed by the governor had to do with relations between the miners and operators. A bill, that went into effect May 18, 1914, provided that miners should be paid according to the total weight, based on "the run of the mine" system instead of the screen payment plan. In anticipation of this law, the miners and operators had held a number of parleys without being able to come to an agreement, and from the 1st of April the coal mines generally throughout Ohio were inactive for the remainder of the year. During July some violence occurred and troops were called out. The trouble was not finally compromised until the next year. When the strike of the 16,000 men conducted by the United Mine Workers in Eastern Ohio was settled in May, 1915, much was said in the public press about the claim that not an act of violence had marred the entire duration of the strike.

The special session responded to practically all of the governor's recommendations, amending the law for the choice of senators, giving additional powers to banking corporations, passing several laws to improve school standards and teachers' qualifications.

The Legislature was again convened July 20, 1914, but adjourned the same day. It was called for the purpose of reducing the state tax levy.

The Great Flood of March, 1913

On March 23 to March 27, 1913, occurred one of the greatest storms recorded in the State of Ohio. The area of greatest destruction was in the Miami River Valley, but it was only less intense in the Scioto Valley, and other sections of Ohio and Indiana. In Ohio alone statistical estimates reported 94 towns affected by flood conditions, the loss of 367 lives, destruction of 220 bridges, and a property loss of nearly $150,000,000. Streams overflowed and wrought damage in all parts of Central and Southern Ohio, but due largely to topographic conditions the damage was accentuated in the drainage basin of the Great Miami, where the more important towns and cities affected were Hamilton, Middletown, Miamisburg, Dayton, Troy, Piqua and Sidney.

The storm began on March 23d, with an average precipitation of one inch in the Central Miami watershed, increasing to two inches on the northern border. This was followed on the 24th by a fall ranging from two inches in the northern and southern portions of the watershed to as high as five inches in the west central portion. On the 25th came an almost uniform downpour of about four inches over practically all the watershed. On the 26th the average precipitation was two inches. The total rainfall for the storm varied from about eight inches

in the extreme south to probably eleven inches on the center northeast and southwest line of the watershed, falling off to about nine inches on the north, the average for the entire area being reported by the weather bureau as eight and eight-tenth inches.

The river gauge at Dayton Sunday morning, March 23, read 3 feet; was 7 feet the next morning; had risen to over 12 at 4 p. m., and about 5 p. m. water started pouring over the levee in the north part of the city. About 2 a. m. on the 25th, flood stage, 18 feet, was reached. After 11 a. m. the rise was very slow, the maximum of 29 feet being reached about midnight. At 3 p. m. on the 26th the water was 4 feet below the crest, and had fallen to flood stage at 10 p. m. on the 27th.

The report of the committee of engineers to the citizens flood prevention committee of Dayton contained the following: "The property damage included the farms along the valley which were submerged, buildings injured, lands eroded or strewn with gravel deposits; bridges, of which no fewer than thirty on public highways and seven on railroads, were partially or totally destroyed; railroad and highway embankments which were washed away; and particularly towns along the river where property and life were concentrated in the pathway of the flood. The fact that the event was wholly unlooked for and came with such intensity and suddenness as to give no time for escape, left everything to the mercy of the forces of destruction.

"The most serious feature of the flood loss was the destruction of human life. No one even remotely anticipating what was about to happen, there was no attempt to escape until it was too late. The number of known dead is 361, but there were undoubtedly more whose bodies were never recovered. Much sickness and several deaths followed the flood, and thirty-two persons were admitted to the Dayton State Hospital after the flood, their commitment papers expressly stating that their condition of insanity was a direct consequence of the flood."

On another occasion the flood prevention committee described conditions as follows: "In our cities the streets were submerged for from three to five days. Where houses were not completely wrecked, all their furniture on the first floor was destroyed, and they were filled with sticky mud, rendering them uninhabitable for a considerable period. Clothing, books and personal possessions were carried away or ruined. Stores in the flooded area had their entire stock of goods on the street floor washed away or rendered valueless. The streets were obstructed with mud and debris. The waterworks and sewerage systems were put out of operation and were seriously injured. Electric light and gas service was interrupted and suffered much damage. Transportation of all kinds was almost completely stopped. Not only was ordinary home life entirely interrupted, rendering innumerable families dependent upon public relief measures, but the entire business system of whole communities was paralyzed."

In Columbus the flood was especially destructive. Many of the people of the city still vividly remembered the destructive flood of 1898 which had driven numbers from their homes, suspended work in some of the factories and cut off for a time the water supply of the city and light from the electric plants. But no one anticipated the disaster that actually came in the later days of March, 1913. On March 25th of that year the river was swollen by continuous rains until it broke over the levees and inundated the low ground on the west side of the city. The full danger of the situation was now apparent and the people in the city who had not yet been reached by the rising waters bent every effort to relieve the unfortunate victims on the west side and in close proximity to the Scioto River. Boats were brought into requisition and many people were rescued from the upper stories of buildings and from tree-tops into which they had been driven to save their lives. In spite of the heroic efforts of the rescuers, ninety-three lives were lost and

thousands of people were driven from their homes. Others were imprisoned in the higher rooms of their dwellings for days and suffered much before they were finally relieved. The property loss was estimated at $5,622,000.

An incident occurred on March 27th connected with the flood in Columbus which will never be forgotten by those who witnessed it. That number included most of the citizens of Columbus and the members of the General Assembly which was then in session. The writer, who was at that time located in a small rear office room in one of the upper stories of the Huntington Building, was looking out over the flooded region and witnessing the rising waters with no thought of the tragedies that were enacted on the other side of the river, but with an appreciation of the destruction of property that was going on. Usually floods are not accompanied by a great loss of life but this one came so suddenly upon the inhabitants of the west side that the death rate was inevitably great.

While he was looking upon the flooded area from the window, he heard a startling noise of footsteps rapidly descending the stairway of the tall building. He afterward went out to determine the cause and found that the building was practically empty. Descending the stairway himself he learned that the alarm had been given that the great Storage Dam had burst and that inundating waters were on the way that would sweep over the top of the State House. Great crowds of people had flocked to that building for safety and the number on their way out East Broad Street resembled to his mind a swarm of bees moving up the side of a hive. The street was black with excited pedestrians about as far as eye could reach.[1] High Street was already almost deserted. His first thought was to call at the newspaper office, where he saw one lone clerk with a pompadour hair cut that looked more pompadour than usual, for the young man was certainly frightened and very pale; but like Casabianca he seemed resolved to stand at the post of duty, flood or no flood. In answer to a question, he said word had been received that the dam had burst and that the water was on its way to flood the city. A moment later a reporter rushed in and stated, "It is all a fake. Word has just been received that the dam is intact and seems in no danger whatever from the flood of water that is pouring over it." A little later an aged man came into the office, nervous and angry, declaring that he was ready to give money for the prosecution of the man that had started the false report. That man, however, to this day has not been found.

It seems that the memory of the tragedy at Johnstown years before was in the minds of the people and when the police and soldiers began to shout the warning that the dam had burst their imaginations conjured up a flood of waters that would overtop the Capitol Building. Cooler calculation after the excitement had subsided led to the conclusion that if the dam had been swept away it would have increased the height of the waters only a very few inches over the broad area which they had already inundated. In Columbus this date is still recalled as, "The day that the dam burst."

Such a storm, in the opinion of meterologists, might occur again. All over the flooded area thought was given to measures that might make the recurrence of such a storm less destructive to life and property. Owing to the peculiar topography of the Miami Valley, its citizens felt that a fatalistic waiting policy could not be tolerated. The Miami Valley Flood Prevention Committee was organized. It called in a consulting board of three eminent engineers. These engineers reported that the salvation of the area from the ravages of flood could

[1]It would be difficult to describe the wild excitement that prevailed. Strange to say, there were no fatalities from this "stampede," though many persons were brought to the verge of a serious nervous breakdown.

best be accomplished by the construction of suitable flood reservoirs, together with moderate channel improvements where needed. Since such protective works would have to be built in the upper portions of the valley to protect the communities in the lower part, the entire basin in Ohio would have to be organized as a unit.

Out of this came Ohio's famous Conservancy Law, passed by the Eightieth General Assembly on February 6, 1914, providing the means and machinery for carrying out flood prevention work. Within the following year the Supreme Court declared the law constitutional. Following the passage of the law the Miami Conservancy District was organized, and undertook the scheme of improvements by reservoirs and other works which has since been successfully carried out.

In 1914 nominations were made under the new primary system. Senator Burton's term was to expire March 4, 1915, and there were three republican candidates at the primaries, held August 11, Foraker, Harding and Ralph D. Cole, Mr. Harding being the successful candidate. The democrats nominated T. S. Hogan, attorney-general, while the choice of the Progressive Party for senatorial candidate was Arthur L. Garford. The nominations for governor made at the primaries were: Democrat, Governor Cox; republican, Frank B. Willis, a former congressman; progressive, James R. Garfield.

In the November elections the senatorial candidates received the following vote: Harding, 526,115; Hogan, 423,742; Garford, 67,509. At the same time several amendments to the State Constitution were submitted to the voters. Those providing for woman suffrage and prohibition were defeated. The amendment carried abolishing county local option and making the township or municipality the unit for local option purposes. The election marked a pronounced reaction in favor of the Republican Party. Though there were three parties in the field, Frank B. Willis was elected by a substantial margin over Governor James M. Cox, and Warren G. Harding who in 1910 was defeated for governor by a little over 100,000, was now elected United States senator by a plurality in excess of 102,000.

ADMINISTRATION OF GOVERNOR FRANK B. WILLIS

Eighty-first General Assembly

Regular Session, January 4 to May 27, 1915

Frank B. Willis, the forty-fifth governor of Ohio, was born in Delaware County in 1871, was a graduate of Ohio Northern University, taught there, was a member of the 74th and 75th General Assemblies, in 1910 was elected to Congress from the Eighth District and was one of the three Ohio republicans returned to their seats in 1912.

The vote cast at the November election for the constitutional state officers was canvassed and announced. As recorded by the secretary of state the votes for the candidates of the democratic, republican and progressive parties were as follows:

Governor:
- James M. Cox, democrat.....493,804
- Frank B. Willis, republican.....523,074
- James R. Garfield, progressive..... 60,904

Lieutenant Governor:
- W. A. Greenlund, democrat.....457,452
- John H. Arnold, republican.....490,600
- Daniel W. Williams, progressive..... 53,442

Secretary of State:
- J. H. Secrest, democrat.....451,131
- Charles Q. Hildebrandt, republican.....488,010
- Frank W. Woods, progressive..... 53,808

Treasurer of State:
John P. Brennan, democrat.....450,168
Rudolph W. Archer, republican.....490,761
Samuel B. Douglas, progressive..... 51,094
Attorney-General:
Joseph McGhee, democrat.....437,541
Edward C. Turner, republican.....490,354
John P. Turner, progressive..... 61,649

The socialist vote for the various state officers averaged about 53,000.

For chief justice of the Supreme Court Hugh L. Nichols, democrat, was elected by a plurality of 16,671. Thomas A. Jones and Edward S. Matthias, both republicans, were elected judges of the Supreme Court by pluralities of 59,239 and 47,154 respectively.

FRANK B. WILLIS

Governor January 11, 1915—January 8, 1917. Born December 28, 1871; home Delaware. Member Ohio Legislature; Congressman and United States Senator.

In his inaugural address of January 11, 1915, Governor Willis criticized "executive usurpation," declared for "retrenchment in public expenditures, abolishment of offices not necessary to an efficient public service and decentralization of power without impairing the enforcement of law." He urged a smaller volume of laws, calling attention to the enormous number of enactments by state Legislatures and Congress in recent years.

In the Eighty-first General Assembly there were twenty republicans and thirteen democrats in the Senate and seventy-three republicans and forty-eight democrats in the House of Representatives. John H. Arnold took his seat as lieutenant governor January 11 and presided over the Senate. Charles D. Conover was chosen speaker of the House of Representatives.

Governor Willis entered office about five months after the outbreak of the World War. Ohio and the country generally had been experiencing dull times. The nation had not yet entered upon the period of war-born prosperity. The record of the Eighty-first General Assembly reflects an effort at retrenchment and economy.

Among the laws enacted during the session were those providing for—more rigid regulation of pawn-shops; the codification and revision of the road laws; an agricultural board of ten non-salaried members

to take the place of the agricultural commission; reorganization of the State Militia; abolition of the state liquor licensing board and the creation in lieu therefor of a state liquor license inspector, and the substitution of district licensing boards appointed by county officers for county boards appointed by state authorities; county tax revision boards appointed by county officers in place of the "district board of complaints" appointed by the state tax commission "with the consent of the governor"; elective assessment officers to take the place of appointed assessors; the holding of county agricultural institutes under the auspices of the Ohio State University; the qualifications and appointment of county agricultural agents, in cooperation with federal agricultural authorities; a bi-partisan civil service commission of two members to take the place of a commission of three members, not more than two of whom should be of the same political party.

In his final message to the General Assembly Governor Willis declared:

"The Eighty-first General Assembly enacted more than a score of laws having for their purpose larger recognition of the soldiers and sailors of all our wars. * * * One of these laws made possible the rescue of the battle-scarred, shot-torn banners of the Republic from the gloomy chamber where they reposed and the placing of them in the rotunda of the State Capitol in permanent cases."

In this same message which was addressed, not to the eight-first but to the Eighty-second General Assembly, Governor Willis added by way of suggestion and recommendation:

"My brief experience as a state official has convinced me that Ohio is over-officered and over-inspected. There is a tendency on the part of every state department to increase its prerogatives and build up an ever-growing number of bureaus, officials, and inspectors without regard to whether the activity it is undertaking overlaps the jurisdiction of some other department.

"I recommend that the protection afforded the taxpayers of the state by the 1 per cent limitation law be retained. * * * Municipal indebtedness has increased by leaps and bounds, amounting according to the reports for 1915 to $243,000,000. * * * I recommend legislation that will authorize the electors of each municipality to decide for themselves by popular vote whether they will assume a rate of taxation greater than that allowed by the 1 per cent tax law, such greater rate being for the sole purpose of providing interest and sinking fund charges for municipal indebtedness and for no other purpose.

At the November election in 1915 constitutional amendments were submitted providing for—the prohibition of the liquor traffic; fixing the term of county officers at four years; exemption of bonds of the state and its political subdivisions from taxation; limiting the initiative and referendum on twice defeated proposals. These amendments were all defeated but the vote on the amendment prohibiting the use of intoxicating liquors indicated increased strength on the part of the drys. The referendum was invoked on two acts of the Legislature, a congressional redistricting bill and the "McDermott Act." Both of these measures were defeated.

A violent industrial disturbance occurred in January, 1916. This was a strike in the Republic Iron and Steel Company at East Youngstown. The employees had demanded increased wages. The company offered an increase, but not equal to the demand. On January 7 rioting began. A mob attacked the workmen who would not strike. Stones were thrown and pistol shots exchanged. Several persons were injured. The mob then set fire to the business section of East Youngstown which resulted in the loss of property valued at $2,000,000. Nearly 100 persons were wounded. At daybreak on January 8 three regiments of militia arrived and order was at once restored.

Under the State Constitution of 1912 delegates to national con-

ventions were to be chosen at primaries and electors were to vote their preference for first and second choice for president. There was practically no contest in Ohio for presidential endorsement. It was understood that President Wilson would be endorsed without opposition by the democrats. James E. Campbell was designated as second choice. Theodore E. Burton was the candidate of the republicans and he had no opposition in his home state. For second choice the republicans agreed to support Paul E. Howland of Cleveland. The primaries of both parties were held on April 25. The following delegated were elected to the National Republican Convention which was to convene in Chicago on June 7th:

At large—W. G. Harding, Marion; Wm. C. Proctor, Cincinnati; John J. Sullivan, Cleveland; Frank B. Willis, Columbus.

Districts: 1—J. Fleischmann, Cincinnati; John Galvin, Cincinnati. 2—John J. Burchenal, Cincinnati; Stanley Struble, Cincinnati. 3—E. G. Burkham, Dayton; Oscar M. Gottschall, Dayton. 4—Chas. S. Herbst, Wapakoneta; W. W. Wood III, Piqua. 5—Wm. W. Campbell, Napoleon; Olin W. Gleason, Bryan. 6—George L. Davis, Portsmouth; Frank J. McCafferty, Fayetteville. 7—C. Q. Hildebrant, Wilmington; C. S. Ireland, Urbana. 8—Ralph D. Cole, Findlay; Frank Shaw, Cardington. 9—Noah H. Swayne, Toledo; John N. Willys, Toledo. 10—A. R. Johnson, Ironton; L. G. Worstell, Athens. 11—David M. Massie, Chillicothe; Charles B. Whiley, Lancaster. 12—Edward L. Taylor, Columbus; A. I. Vorys, Columbus. 13—John A. Feick, Sandusky; John B. Stahl, Fremont. 14—George L. Glitsch, Lorain; C. L. Knight, Akron. 15—Harvey E. Smith, Marietta; H. C. Van Voorhis, Zanesville. 16—P. S. Cooper, Canal Dover; Henry W. Harter, Canton. 17—C. B. McCoy, Coshocton; Wm. M. Hahn, Mansfield. 18—R. C. Heddleston, East Liverpool; J. C. Heinlein, Bridgeport. 19—Joseph G. Butler, Jr., Youngstown; Hiram E. Starkey, Jefferson. 20—Paul Howland, Cleveland; A. N. Rodway, Cleveland. 21—Harry L. Davis, Cleveland; Maurice Maschke, Cleveland. 22—W. R. Hopkins, Cleveland; H. H. Johnson, Cleveland.

The large popular vote given Governor Willis for delegate-at-large foreshadowed his renomination without serious opposition. At the national convention he presented the name of Theodore E. Burton, Ohio's choice, in a notable speech. This favorably introduced Willis to delegates from every state in the Union and marked him as a platform orator of high rank. Charles E. Hughes was nominated for president on the third ballot, receiving nineteen votes from the Ohio delegation.

Former Governor James M. Cox, like Governor Willis, received a gratifying vote for delegate-at-large to the national convention of his party, which was scheduled to meet in St. Louis June 14. Following is the list of Ohio delegates to the National Democratic Convention of 1916:

At large—James E. Campbell, Columbus; James M. Cox, Dayton; Judson Harmon, Cincinnati; Atlee Pomerene, Canton.

Districts: 1—Stanley E. Bowdie, Cincinnati; W. A. Julian, Cincinnati. 2—Vincent H. Beckman, Cincinnati; Edgar Cummings, Cincinnati. 3—Clarence N. Greer, Dayton; E. C. Sohngen, Hamilton. 4—Howard A. Amos, Sidney; E. R. Curtin, Lima. 5—F. A. Barber, Wauseon; Frank G. Kahle, Ottawa. 6—Harry E. Taylor, Portsmouth; John Wood, Georgetown. 7—J. A. Runyan, Lebanon; W. S. Thomas, Springfield. 8—Willis W. Bowers, Kenton; Ira R. Pontius, Upper Sandusky. 9—John Bolan, Toledo; Smith L. Welch, Oak Harbor. 10—F. M. Bovie, Gallipolis; H. W. Elson, Athens. 11—R. D. Alexander, Chillicothe; M. A. Daugherty, Lancaster. 12—Thomas E. Powell, Columbus; James Ross, Columbus. 13—Earl D. Bloom, Bowling Green; Wm. H. Herner, Monroeville. 14—Chas. W. Kemple, Akron; Horace G. Redington, Elyria. 15—Raymond Durbin, McCon-

nelsville; V. E. Harkins, Caldwell. 16—A. D. Metz, Wooster; Harry H. Weiss, Canton. 17—Columbus Ewalt, Mt. Vernon; Fred H. Flynn, Ashland. 18—Sam F. Dickerson, Cadiz; John F. Nolan, Steubenville. 19—W. S. King, Ashtabula; Thos. McNamara, Jr., Youngstown. 20—John F. Durkin, Cleveland; Howell Wright, Cleveland. 21—Robt. J. Bulkley, Cleveland; Dan Pfahl, Cleveland. 22—Newton D. Baker, Cleveland; James Metzenbaum, Euclid.

When the President called out the National Guard of the different states for service on the Mexican border in 1916 Ohio promptly responded. Benson W. Hough, Adjutant General of Ohio, resigned his position in order to resume his place as lieutenant colonel of the Fourth Regiment, because, as he said, he could not see his regiment go into active service and be content to remain behind. Grounds were leased for the training of troops in Upper Arlington, a suburb of Columbus, Ohio, and named Camp Willis in honor of the governor. To this camp two brigades, three regiments each, of the Ohio National Guard were ordered July 16, 1916. Here officers and men went into training and were inducted into the service of the United States. The camp became the scene of activities similar to those at Camp Bushnell in the War with Spain. Thousands of relatives and friends visited the soldiers preparatory to their departure to the Rio Grande and "The second war with Mexico."

Gen. William V. McMaken commanded the first brigade which included the second, third and sixth regiments of infantry. The colonels commanding these regiments were respectively J. Guy Deming, Ada; Robert L. Hubler, Dayton; Lloyd A. Howard, Toledo.

Gen. John C. Speaks was in command of the second brigade which included the fourth, fifth and eighth regiments of infantry. The colonels of the regiments were respectively Byron L. Barger, Columbus; Charles X. Zimmerman, Cleveland; Edward Vollrath, Bucyrus.

In addition to these regiments there was one battalion of artillery under command of Maj. Harold M. Bush, Columbus; one squadron of cavalry, commanded by Maj. Dudley J. Hard, Cleveland; the first hospital, commanded by Maj. Frank B. Hendley, Cincinnati; the second hospital, commanded by Maj. Harry H. Snively, Columbus; first ambulance company commanded by Capt. Dale Wilson, Toledo; second ambulance company under command of Capt. Dudley Dawson, Columbus. These various units left at different times for the Mexican border where they all ultimately arrived and continued their intensive training. They saw no service in Mexico, but, without knowing it,[2] were preparing for a service overseas in which they bore an honored part and acquired enduring fame.

The General Assembly on March 29, 1917, having appropriated $5,000 for that purpose, a Mexican Border service badge was struck for each man in the participating Ohio military organizations. It consisted of a bar, showing the national shield, stars and the Roman fasces from which was suspended the medal, one side of which bore the seal of Ohio surrounded by the words, "Mexican Border Service, 1916-1917," and the other side the inscription, "Presented by the State of Ohio."

Governor Willis was urged by some of his friends to call a special session of the General Assembly to enact a law that would enable the Ohio soldiers on the Mexican border to vote in the November election, but the call was not issued.

August 8th the republicans renominated Governor Willis and nominated Myron T. Herrick for the senate over Charles Dick and Harry M. Daugherty. The democrats nominated James M. Cox for governor and Atlee Pomerene for the senate. In the campaign both Willis and Cox talked tax reform and economy, and were not sharply divided on any issues. President Wilson, Governor Hughes and Colonel Roosevelt all

[2]Some of them surmised it.

spoke in Ohio during the campaign. Ohio gave Wilson 604,161 votes; Hughes, 514,753. Pomerene had 571,288 to Herrick's 535,391. The democrats elected their entire state ticket and a majority of the congressmen. The plea that President Wilson should be reelected because "he kept us out of war" and the faith that he would continue to avert participation in the European conflict assured his triumph and the triumph of his party at the ballot box in Ohio.

ADMINISTRATION OF GOVERNOR JAMES M. COX

Eighty-second General Assembly

Regular Session, January 1 to March 21, 1917

During this session, it is important to remember, Ohio National Guardsmen were on the Mexican border, and America, nominally at peace, was approaching rapidly to participation in the world conflict.

The General Assembly convened January 1. It was democratic in both branches. The election returns for the constitutional state officers were canvassed and the result announced. Votes for democratic and republican candidates in the previous November election, as recorded by the secretary of state, were as follows:

Governor:	
James M. Cox, democrat	568,218
Frank B. Willis, republican	561,602
Lieutenant Governor:	
Earl D. Bloom, democrat	571,095
John H. Arnold, republican	540,766
Secretary of State:	
William D. Fulton, democrat	564,509
Charles Q. Hildebrant, republican	543,509
Auditor of State:	
Vic Donahey, democrat	577,054
Hays M. Adams, republican	532,178
Treasurer of State:	
C. C. Bryan, democrat	565,902
Rudolph W. Archer, republican	542,198
Attorney General:	
Joseph McGhee, democrat	558,719
E. C. Turner, republican	549,169
Judge of the Supreme Court:	
James Joyce	306,979
Augustus N. Summers	339,947
Maurice H. Donahue	366,234
James G. Johnson	400,019
J. C. Madden	157,092
Hewson J. Peeke	66,145
Albert L. Talcott	106,273

Donahue and Johnson were elected to the supreme bench. Both were democrats and able lawyers. Judge Donahue was later appointed judge of the Federal Court of Appeals where he has made an enviable record.

Governor James M. Cox was inaugurated January 8. On the same day Earl D. Bloom was inducted into the office of lieutenant governor and presided over the Senate. E. J. Hopple at the meeting of the Legislature was elected speaker of the house. Governor Willis on presenting to Governor Cox his commission, after congratulating his successor and wishing him Godspeed, said in conclusion:

"I beg to suggest that the presence of so many ladies serves to call to mind not only the interest that the ladies have in public questions, but the great sacrifices they have made to maintain the national life. My fellow countrymen, the women that are brave enough to march in inclement weather in an inaugural procession; that are brave enough to give their brothers and sons to fight the battles of the Republic—those same women are patriotic and wise enough to help choose a president at the ballot box.

"There is another consideration that appeals to me at this moment. That is that this is a day whose ideals and aspirations extend far beyond mere party consideration.

"The citizenship enmasse can succeed where parties have failed. For example, my honored predecessor proposed, by legislative enactment and executive administration, to take the saloon out of politics. In this he did not succeed. I have endeavored honestly to get the saloon out of politics, and in this I have failed. But 'with malice toward none and charity for all,' the sovereign people can and will succeed where individuals and parties have failed. They can get the saloon permanently out of politics by putting it out of business in Ohio, and I am ready now as I have been in the past to aid in this reform."

This brief address by retiring Governor Willis attracted wide attention and called forth much newspaper comment.

The liquor question for years had been embarrassing to the democratic and republican parties. Each had sought to avoid making it a political issue. Each strove to retain in its ranks temperance supporters and the patrons of the liquor interests. Neither had at all times been able to accomplish this difficult task. Governor Willis had for years been recognized as an opponent of the liquor traffic. In his first campaign for governor, he frankly stated that he intended to vote for the amendment prohibiting the liquor traffic. The election returns seemed to indicate that while many republicans opposed him because of what they termed his "radical dry views," others of "liberal" tendencies were willing to concede him the privilege of entertaining his personal views on the temperance question and voting dry in referendum elections, so long as he administered the duties of his office in a spirit of fairness and did not become a crusader in the cause of prohibition or woman's suffrage. On the whole the wets, if we may judge from election returns, did not, in the election of 1916, manifest extreme hostility to his reelection. Hamilton County, including the City of Cincinnati, in 1914 gave him a plurality of 1,920, but in 1916 increased that plurality to 7,878. Other large cities gave him much more generous support than was accorded to Charles E. Hughes for president in the same election. The drys were satisfied with his attitude. Although he did not win in his second race for governor, he made a splendid showing, losing by only 6,616, while Charles E. Hughes lost in the same election to Woodrow Wilson in Ohio by a plurality of 89,408. It could not therefore be said that Governor Willis made his unexpected declaration in retaliation for his defeat. What he said on this occasion had its influence, as we shall see, in the next gubernatorial election.

In his message to the General Assembly, Governor Cox urged the strengthening of the Workmen's Compensation Law, the revision and recodification of the election laws and the enactment of an absent voters' law that would enable soldiers in the service of the state to vote when beyond its borders. He stated that there had been criticism of the school law passed in his previous administration but thought it was due largely to a misunderstanding. He favored the continuation of the Smith one percent law and declared that a thoroughly honest return of taxable values would yield sufficient revenues for the cities of the State.

Laws were enacted by the Eighty-second General Assembly providing for absent voting; accepting federal aid in highway construction;

creation of a state health commissioner and council of four members to replace the former state board of health; acceptance of federal aid in vocational training and creating a state educational board to consist of the superintendent of public instruction and six appointive members; creation of a commissioner of securities with powers formerly vested in the "blue sky bureau" of the state banking department; a military census to be taken under the direction of the governor; the separation of state and national tickets on election ballots; suffrage for women in presidential elections; the creation of a bureau of markets in the department of the state board of agriculture; a purchasing department for state office supplies; limitation of hours for employing women to nine hours in one day and fifty hours in one week, but permitting a ten-hour day in mercantile concerns on Saturday; an Ohio board of clemency to supersede the state board of pardons; appropriation of $16,000 for the purchase of the site of Campus Martius at Marietta; an emergency appropriation of $250,000 for the National Guard to be used in the event of the United States entrance into war.

The Legislature adjourned March 21. Twelve days later President Wilson appeared before the houses of Congress and read his famous message asking authority to declare war on Germany. On the early morning of April 6 the war resolution was passed and promptly signed by the President.

During the remainder of the year all other matters were subordinated to the vigorous prosecution of the war. The Ohio National Guardsmen were soon inducted into service, mobilizing at Camp Sheridan, Montgomery, Alabama, while in September thousands who had joined the colors through the selective service law went to Camp Sherman at Chillicothe, Ohio.

In the midst of early preparation for war when the people in their enthusiastic assemblies were beginning to realize the serious significance of their part in the mighty conflict the French mission at the head of which were M. Rene Viviani, the eloquent statesman who had been premier of the French Republic when the war began and was then minister of justice, Marshal Joffre, the hero of the Marne, Vice Admiral Cocheprat, the Marquis de Chambrun and M. Hovelque, on May 8, 1917, visited the state capital of Ohio. Columbus had not originally been a stopping point on their itinerary, and only a short notice had been given of their coming. A short notice of such an important event, however, was then sufficient to call forth a great crowd of people and the streets were soon thronged with citizens eager to see, and if possible to hear these distinguished visitors. Brief addresses of welcome were delivered by Mayor George Karb of Columbus and the Governor. In his eloquent statement of our debt of gratitude to France, Governor Cox made a very happy reference to the visit of Lafayette to Ohio in 1825. He quoted from the speech of Lafayette at Wheeling where the compatriot of Washington had declared that the government instituted in the United States deserved to be imitated by the whole world,—a statement that through the century following had been gloriously confirmed by the extension of republican institutions to many of the civilized nations, including France, the ally and defender of our young republic. Viviani and Marshal Joffre responded, in words touchingly appreciative of the reception of their delegation as representatives of France, now in the midst of a desolating war for the preservation of her free institutions It may be stated in this connection, that it was largely due to the urgent request of this French delegation that the United States government decided to send at once hospital units and nine regiments of engineers, as heralds to the hard pressed allies that America with her millions was on her way to aid in turning the tide of the war. In one of these regiments was Charles G. Dawes, destined to become the intimate associate of General Pershing overseas.

June 1, 1917, was organized the Ohio branch Council of National Defense, its members being appointed by the governor. Its announced purpose was: To mobilize Ohio's resources for the war; to place the state on a war-time basis—linking up with the government's war program, Ohio's energies of labor, capital, finance, transportation, mining, food production and industry; and to carry out suggestions of the government expressed through the Council of National Defense or other governmental agencies.

As the days and weeks passed the State and its citizens were enthusiastic, almost feverish, in their preparation for the great war. In October the famous Rainbow Division embarked for overseas. Ohio's contribution to this division was the One Hundred and Sixty-sixth Regiment, formerly the Fourth Regiment of the Ohio National Guard. Benson W. Hough was now colonel of the regiment. Governor Cox went to the camp at Mineola, Long Island, the first week in October, 1917, and in behalf of the state bade the soldiers farewell. Following are the opening paragraphs of his address to the officers and men of the One Hundred and Sixty-sixth Regiment:

"So soon as it was known that orders to sail had been received by the Rainbow Division, the state that you have the honor to represent, and which is glorified by your service, desired that there might be some evidence of the interest in your comfort, your happiness, and your safety that is felt by every household back home. I have come to the very edge of the ocean to speak what is in the heart of Ohio, and I wish I possessed the power of thought and the facility of speech to express the emotions of our people.

"There have been famous regiments in the armies of the Republic—there may be many more but there has not been, nor will there be, a regiment more famous than your own. You are the first Ohio unit in all the history of our government to cross the ocean. It is a compliment to the officers and men of the Fourth Ohio to have the War Department make you a part of the Rainbow Division, and to be thrown now into the strength of the western front means that no organization is fitter than your own."

Coal shortage was one of the familiar conditions of war time. Toward the close of 1917 a large coal tonnage, intended for lake shipment, was congested on sidings at ports in the northern part of the State on account of the close of navigation. Governor Cox came into sharp conflict with the National Fuel Administration by ordering the confiscation of this coal for domestic use and to relieve local emergency.

At the elections in November the republicans elected mayors in Cincinnati, Cleveland and Columbus, and in many communities there was marked increase in the socialist vote. Cincinnati adopted a home rule city charter to take effect January 1, 1918. Mention has been made of the rejection of the woman's suffrage amendment in November, 1917, by a majority of 144,806. At the same time, by a majority of 1,137 votes, was rejected a state-wide prohibition amendment which had been offered by the initiative process.

In the August primaries of 1918 the democrats renominated Governor Cox, while his republican opponent was former Governor Willis. In the November election Governor Cox was elected, but in Ohio as in other northern states the democrats lost a number of seats in Congress. All of the state officers elected, except the governor, were republicans. Willis, who two years previous carried Hamilton County by a plurality of 7,878, now lost it to Cox by a plurality of 16,570. The "liberal" republicans of Cincinnati remembered the declaration of Willis for prohibition and woman's suffrage and chastised him. All of the other republican candidates for state officers received substantial pluralities in Hamilton County.

On the non-partisan ticket for judges of the supreme court the leading candidates were: R. M. Wanamaker, republican, 434,698;

James E. Robinson, republican, 395,753; Oscar W. Newman, democrat, 348,886; Phil M. Crow, democrat, 265,079.

Six days after the election came the Armistice declarations. Popular demonstrations everywhere interpreted it not as a temporary suspension of arms, but the end of the great war. And so it proved.

ADMINISTRATION OF GOVERNOR JAMES M. COX

Eighty-third General Assembly

Regular Session, January 6 to June 19, 1919

At the opening of this session Earl D. Bloom, Lieutenant Governor, presided. He was succeeded on January 13 by Clarence J. Brown who had been elected at the previous November election and who continued to preside over the Senate. Carl R. Kimball, of Lake County, was chosen speaker of the House of Representatives. The party representation of the two houses was as follows: Senate—twenty-one republicans, 12 democrats; House of Representatives—seventy-seven republicans, forty-seven democrats.

The election returns for the constitutional state officers were canvassed and the result officially declared. As recorded by the Secretary of State the votes cast for the nominees of the democratic and republican parties for state officers at the previous November election, were as follows:

Governor:	
James M. Cox, democrat	486,403
Frank B. Willis, republican	474,459
Lieutenant Governor:	
Earl D. Bloom, democrat	438,101
Clarence J. Brown, republican	468,210
Secretary of State:	
William D. Fulton, democrat	432,442
Harvey C. Smith, republican	471,228
Treasurer:	
Chester C. Bryan, democrat	428,598
Rudolph W. Archer, republican	471,911
Attorney-General:	
Joseph McGhee, democrat	430,324
John G. Price, republican	468,605
Judge of the Supreme Court:	
Phil M. Crow	265,079
Oscar W. Newman	348,886
James E. Robinson	395,753
R. M. Wanamaker	434,698

Robinson and Wanamaker were republicans.

James M. Cox was conspicuously honored in this election. He was the only democrat elected on the state ticket, and he was chosen for a third term. Such an honor had been previously accorded only to one man, Rutherford B. Hayes. This distinctive mark of favor from the electors of the state at once led to the suggestion from many quarters of higher honors for Governor Cox. He inevitably became a candidate for the democratic nomination for the presidency.

As previously stated in the November election the republicans gained many congressmen, electing fourteen out of twenty-two members from Ohio. The famous letter of President Wilson written shortly before election and appealing to the electors of the several states to send democrats to Congress was influential in producing exactly the opposite result in Ohio and inaugurating a reaction in favor of the republicans. His

previous insistence that "politics was retired" and his patriotic appeals to his countrymen regardless of party in war time had brought him large support from republican voters. His later appeal in the interest of his party alienated these and stimulated republicans to increased activity in the November election.

In his message of January 13 Governor Cox paid tribute to the American soldiers whose victorious legions were returning from the World war; to those who made the supreme "sacrifice and those who pledged themselves so to do if necessary;" to "capital and labor;" to "men and women and children who labored for a common cause" in the trying days of conflict. He recommended financial relief for cities and the other minor political divisions of the state, suffering from the increasing cost of operation without corresponding increase in revenue; a radical reorganization of the health service throughout the state, the need of which had been emphasized by the recent epidemic of influenza; provision for the enforcement of the amendment to the constitution prohibiting the traffic in intoxicating liquors; the formation of volunteer regiments of the national guard to take the place of those that had entered the national service. He called attention to the successful operation of the budget system and warned against the dangers of foreign thought and propaganda.

In submitting to the General Assembly the resolution of Congress proposing an amendment to the national constitution, extending the right of suffrage to women, Governor Cox said in conclusion: "What is offered now to our women was their right long ago." "Bestowal of the right of suffrage will be regarded as part reward for service and sacrifice during the war." "The nation and the world need the expressed mother voice as an element of safety when evils lie about us. I respectfully recommend that your honorable body vote its ratification of the Federal amendment in question." To this appeal the general assembly gave a hearty affirmative response; and thus it was that woman suffrage and prohibition, for which his predecessor, Governor Willis, had "fallen behind the breastworks," became accomplished constitutional provisions in the third term of Governor Cox.

It is impossible to review adequately the discussions and problems involved in this legislature's labors over the subject of taxation. At the beginning of the session a non-partisan special joint committee on taxation was appointed, and the program finally enacted included: An inheritance tax providing additional revenue for both state and local taxing districts, giving the state about the amount it had lost through the saloon license fee when prohibition went into effect; a graduated automobile tax, divided equally between the state and local taxing district, but all of it applied to road building or maintenance; provision for the weak school districts and setting $800 as a minimum teacher's salary; a measure for the temporary relief of cities and local subdivisions, permitting, by vote of the electors, the taxing district to pay off existing indebtedness by an additional rate, the rate to be used for that purpose alone. This program was for the most part temporary in character and designed "to tide over" until the meeting of the next general assembly.

Among the numerous additional acts of this general assembly were those providing for the purchase of the Charles Lindenberg home as a residence for Ohio's governors; the erection, in the rotunda of the State House, of a tablet in memory of the "Andrews Raiders;" the preparation and publication of a roster of the Ohio soldiers, sailors and marines who entered the service in the World war; the creation of sanitary districts and the correction of stream pollution; badges of honor for Ohioans who served in the World war and surviving veterans who served in the war with Spain and the Civil war; an increase of the levy from three-tenths to five-tenths of a mill, to meet the congressional appropriation for road improvement; the recodification and revision of

the banking laws of the state; reorganization of the health administration—the creation of health districts and requiring full time health officers; state wide retirement (pension) system for teachers; special recognition to soldiers who had been awarded the medal of honor, distinguished service cross and silver service star. Laws were enacted prohibiting the teaching of German in schools below the eighth grade; requiring the flying of the American flag over schoolhouses while school is in session; defining criminal syndicalism and prescribing the punishment therefor; requiring all teachers in public, parochial and private schools to take the following oath:

I solemnly swear, or affirm, that I will support the constitution of the United States, the constitution of the State of Ohio, and the laws enacted thereunder, and that I will teach by precept and example, respect for the flag, reverence for law and order and undivided allegiance to the government of one country, the United States of America.

Among the joint resolutions adopted were the following: Deploring the death of Senator J. B. Foraker and extending sympathy to his family; the appointment of a committee of the general assembly to meet the Thirty-seventh Division at the end of their return voyage from the World war; authorizing the appointment of a committee to investigate state departments, commissions and bureaus with a view to "securing a more perfect system of accounting, combining and centralizing the duties of the various departments, eliminating such as are useless and securing for the state of Ohio such a reorganization of its governmental activities as will promote greater efficiency and greater economy therein. The committee was known as the "Joint Committee on Administrative Reorganization."

As the work inaugurated by this committee was far reaching in its results, a brief statement in regard to it may not be out of place here. The resolution was introduced by State Senator F. E. Whittemore, who, after its adoption, became chairman of the committee. The other members were Senators Howell Wright and Wallace W. Bellew; Representatives C. C. Crabbe, Robert C. Dunn and J. E. Foster. Senator Wright was vice chairman and Representative Crabbe secretary of the committee.

The following expert field agents were employed to conduct investigations for the committee: D. C. Sowers, Ph.D., Director of the Akron Bureau of Municipal Research; William H. Allen, Ph.D., Director of the Institute for Public Service, New York City; L. D. Upson, Ph.D., Director of the Detroit Bureau of Governmental Research; Gaylord C. Cummin, C. E., Consulting Engineer of the Institute for Public Service, New York City. C. B. Galbreath, A. M., aided in the work of the committee from its organization. The survey covered the entire field of state administrative governmental agencies and extended to the convening of the next general assembly. Preliminary to the field work by the experts, the committee directed Mr. Galbreath to prepare and submit a summary of what had been accomplished in other states which had attempted a similar work.

Reports were submitted for the following states: Alabama, California, Colorado, Delaware, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Nebraska, New Jersey, New York, Pennsylvania, Texas, Virginia.

The experts collected much valuable information and submitted reports that were printed separately and afterward in a substantial volume. These reports were studied by the committee and the conclusions of four of its members were formulated for submission to the General Assembly. It was understood that a minority of the committee would submit a report setting forth some conclusions at variance with the views of the majority. Neither of the reports were submitted to the incoming General Assembly, and a new committee took up and carried forward the work of administrative reorganization, with the survey of

the original committee before them. In a general way it may be said that the members of the committee that conducted this survey were at the outset somewhat disappointed to find that administrative reorganization had in almost every case accomplished much less than had been claimed for it. At the conclusion of their work the members were disposed to recommend for Ohio a partial reorganization—one which could easily be defended in the interest of efficiency and economy. A somewhat different course was followed, as we shall see, by the new committee whose recommendations were favorably considered by the Eighty-fourth General Assembly.

As the years 1917-1918 had been signalized by the entrance of the United States into the World War, the departure of millions of our khaki-clad soldiers to the camps and the far flung battle line in foreign lands, the glad acclaims of triumph and the dawn of peace; so the year 1919 is memorable for the return to their homes of the helmeted veterans under the eagles of victory. Though the stirring scenes of those days are becoming to some a fading memory, few who witnessed the bronzed soldiers as they marched in review through the streets of Ohio cities, usually led by a squad of Civil War veterans, will forget the profound impression made by the passing pageant.

The drum and fife are passing by;
  A remnant leads the grand review
  Who wore, as still they wear, the blue
And kept Old Glory in the sky.
Behind the Old Guard come the men
  With helmets grim and bristling steel,
  Elate and fit from head to heel,
Our young crusaders home again.

It was the special privilege of Governor Cox, as we have seen, to bid the Ohio soldiers Godspeed when they departed for the theater of war. It was now his more pleasing function in behalf of the state to welcome the returning legions. On May 10, 1919, at New York Harbor, he welcomed the One Hundred and Sixty-sixth Regiment, Ohio's contribution to the Rainbow Division, closing with these words:

"Your gallant service will become one of the state's historic traditions. Your place in our affections is made and your status in posterity secure. We welcome you home. We pause in solemn memory of those who sleep overseas and we offer a prayer for your well-being and your happiness."

There were other addresses of welcome. There were patriotic proclamations and felicitous expressions on various occasions to remind the people of the governor's abiding interest in Ohio's contribution to the World War. It was natural that these patriotic and timely expressions should catch the popular ear and call forth more frequent suggestions of his availability as the candidate of his party for the presidency.

Welcome to Captain Rickenbacker

On February 17, 1919 Columbus and, through official representatives, the State of Ohio gave a notable welcome to Capt. Edward V. Rickenbacker, America's ace of aces in the World war, on the occasion of his return to his home in his native city. He was born in Columbus, Ohio, October 8, 1890. The distinction that he won for his country, his state and his native city, in battle with the "airy navies" of Germany, made him the hero of the hour when Ohio and her capital city were aglow with enthusiasm over the achievements of their sons in foreign lands. The Wright brothers gave the airplane to the world. It was fitting that an Ohio aviator should win first laurels in the "battles of the skies." Captain Rickenbacker had to his credit twenty-six airplanes of the foe

brought to earth. His title to the honor of America's ace of aces was undisputed. Appreciation of his brilliant achievement was heightened by the fact that he rose from the ranks, that his educational advantages had been limited and that his triumph was the result of his native gifts of courage and skill.

The crowds that came forth to greet him on his return to Columbus were compared to those that thronged the streets on Armistice Day. There was a great procession; the General Assembly adjourned to meet and greet him; Governor Cox went out to the carriage in which he rode to congratulate him in the name of "five million citizens of Ohio;" Mayor Karb declared a half holiday in honor of the occasion. The

Captain Edward V. Rickenbacker of Columbus
America's Ace of Aces in the World War

Ohio State Journal carried on its front page, with a portrait of Captain Rickenbacker, the following:

Welcome To Our Ace of Aces

Our squadrons no more
  Sail into the fight,
And our eagles of war
  Turn homeward their flight.
They have won in the sky
  New laurels of glory;
Their triumphs on high
  Will live ever in story.
With the joy of our hearts
  Aglow in our faces,
We are welcoming home
  Our own ace of aces.

When the sky raiding foe,
  Through the rack and the gloom,
Shook the cities below
  With the missiles of doom,
Up our fleet eagle wheeled
  And the raiding plane shattered—
On a shell pitted field
  Its fragments were scattered.
With the pride of our souls
  Aglow in our faces,
We are welcoming home
  Our own ace of aces.

Hurrah for our ace,
  He has won for our town
A name and a place
  By his deeds of renown.
Hurrah for the eye
  And the nerve ever steady
And his triumphs on high—
  Three cheers for our Eddie.
With the love of our hearts
  Aglow in our faces,
We are welcoming home
  Our own ace of aces.

There was a banquet at the Southern Hotel under the auspices of the Columbus Automobile Club, of which Captain Rickenbacker had been an enthusiastic member. There were addresses by Mayor Karb and others. Among the guests were Maj.-Gen. Edward F. Glenn and representatives of the air service from Washington. There was a brief impromptu speech from Captain Rickenbacker himself that did credit to his head and heart. He said:

"I am glad that I was fortunately able to bring back to Columbus the distinction of being the home of the ace of aces; and I want to say that the most beautiful thing that I have seen since I returned to this city is the memorial arch on Broad and High streets in memory of the boys who did not come back. Those are the real and true heroes of the World war. They are the ones who should receive all the honors that are being bestowed on us who, more fortunate than they, have been able to get back home. If I were a member of the Board of Decorations, the medals for bravery would be given first to the men who are coming back home maimed for life and to the parents of the men who died in action."

It might be added that Captain Rickenbacker himself has been the recipient of many decorations for his achievements in the World war and that he is the author of "Fighting the Flying Circus," a spirited account of his air battles in foreign lands.

On February 20, 1919, Governor Cox addressed a message to the General Assembly insisting that the teaching of the German language be prohibited in the lower grades, not only of the public schools, but of parochial and private schools. In this message he insisted that German propaganda was not dead and that "someone seeks to create a sheltered spot where treason can grow under the cover of the law."

On February 24th the House of Representatives adopted a resolution petitioning the governor to place before that body "facts showing in what manner and to what extent disloyalty and treason have emanated from and been fostered by the subjects taught in the schools of Ohio."

In response to this request Governor Cox on April 1, 1919, addressed

to the House of Representatives a special message of considerable length which constitutes a severe arraignment of the German government and its propaganda in America. This arraignment opens as follows:

"I assert without reservation that the teaching of German to our children, no matter where they are being educated during their impressionable years, is not only a distinct menace to Americanism, but is part of a conspiracy formed long ago by the German government in Berlin, and maintained openly in some instances, and insidiously in others, by individuals resident in America but loyal in their allegiance to another land. In order to make presentation of this subject as comprehensive as possible, I will make three definite accusations, and treat them in turn:

"First: The German government maintained agencies in America for the exclusive purpose of holding en bloc Americans of German birth or ancestry, in order as expressly stated to preserve Germanism in our country.

"Second: The first and most important method adopted for the consummation of this plot was the teaching of German in every school possible.

"Third: The text of these school books was not only treasonable, but it was deliberately made such."

The governor then proceeds at length to sustain these three charges, and supports his views by quotations covering a wide range. In conclusion he recommends that teachers be required to take the oath of allegiance to this country. "We have had our bitter experience," he adds, "and love for our children compels us in common prudence to protect them from 'the wolf in sheep's clothing.' "

The message of the governor was followed by the enactment of laws carrying out his recommendations.

Provision was made by the General Assembly for an Americanization committee to administer an Americanization program for Ohio which included the "encouragement of the patriotic education and assimilation of foreign born residents." The committee promptly organized and appointed E. C. Vermillion state director. Americanization was defined by this committee as "the bringing together of the old and new America; the interpretation of America to the foreign born and the interpretation of the foreign born to America." An appropriation of $25,000 was provided for carrying on the Americanization work.

During the year 1919 turbulent conditions developed in many communities of Ohio as a result of strikes. On October 17th of that year the governor issued a statement to the mayors of municipalities and county sheriffs of Ohio, setting forth specifically the duties of the state executive and the local authorities "in the matter of turbulent conditions" that had "developed in many communities."

Governor Cox also addressed a conference of county prosecutors on the high food cost investigation, suggesting in conclusion that while the government's contract with the wheat growers should be kept, the supply of wheat purchased should be sold at a price "which would give us the pre-war five-cent loaf of bread."

There was a spirited pre-primary campaign in 1920 for delegates to the National Republican Convention from Ohio. Warren G. Harding, whose triumphant election to the United States Senate in 1914, raised him to the rank of a presidential possibility, was a candidate but was opposed in his own state by Gen. Leonard Wood. The result was a divided delegation, thirty-nine for Harding; nine for Wood. An incident of the primary election was the defeat of Hon. Harry M. Daugherty, Harding's manager, for delegate-at-large. Following is the list of delegates elected:

At large—Myron T. Herrick, Cleveland; John B. Galvin, Cincinnati; F. B. Willis, Delaware; Wm. H. Boyd, Cleveland.

Districts: 1—Myers Cooper, Cincinnati; R. K. Hynicka, Cincinnati. 2—Albert Bode, Cincinnati; John J. Burchenal, Cincinnati. 3—Robert Patterson, Dayton; Frank I. Brown, Dayton. 4—W. W. Wood III, Piqua; J. W. Halfhill, Lima. 5—H. B. Franks, Montpelier; Jacob Longnecker, Delta. 6—Charles E. Hard, Portsmouth; Jas. O. McManus, West Union. 7—L. E. Evans, West Jefferson; Geo. U. Wilbur, Marysville. 8—Charles M. Lewis, Harpster; Hoke Donithen, Marion. 9—Walter F. Brown, Toledo; William W. Knight, Toledo. 10—R. M. Switzer, Gallipolis; A. R. Johnson, Ironton. 11—S. F. McCracken, Lancaster; LaBert Davie, New Lexington. 12—George R. Hedges, Columbus; John B. Miles, Columbus. 13—Earl Ash, Amsden; F. A. Knapp, Bellevue. 14—W. E. Pardee, Akron; C. K. Whitney, Oberlin. 15—Wm. P. Sharer, Zanesville; B. G. Dawes, Marietta. 16—Thomas F. Turner, Canton; Edwin Morgan, Alliance. 17—Grant Dowds, Mt. Vernon; E. B. Cappeller, Mansfield. 18—W. H. Mullens, Salem; C. T. Coleman, Martins Ferry. 19—W. P. Barnum, Youngstown; J. G. Butler, Jr., Youngstown. 20—Paul Howland, Cleveland; W. S. Fitzgerald, Cleveland. 21—H. L. Davis, Cleveland; Clayton C. Townes, Cleveland. 22—Wm. L. Day, Cleveland; Wm. F. Eirick, Cleveland.

The Republican National Convention met in Chicago June 8, 1920. With a divided delegation from his own state, the prospect was not bright at the outset for the nomination of Harding. But his astute manager, Harry M. Daugherty, was vigorously and effectually advancing his claims. Former Governor Frank B. Willis presented the name of Harding to the convention in a speech that created enthusiasm among the delegates and left a kindly feeling among the friends of all the candidates. It added to his fame as an orator, and veteran delegates pronounced it one of the most effective nominating speeches ever delivered in a Republican National Convention. The famous Republican Glee Club of Columbus was present to help the Ohio candidate, enlivened the occasion with their songs and impartially visited the headquarters of the different candidates. On the early ballots the prospect for Harding seemed discouraging, but on the seventh his vote was substantially increased and on the tenth he was nominated with 200 more votes than were necessary.

In the campaign for delegates to the National Democratic Convention Governor Cox won without opposition. He had a solid delegation from Ohio. The men who constituted it were:

At large—James E. Campbell, Columbus; Judson Harmon, Cincinnati; E. H. Moore, Youngstown; Atlee Pomerene, Canton.

Districts: 1—S. M. Johnson, Cincinnati; W. A. Julian, Cincinnati. 2—Alfred G. Allen, Cincinnati; Thos. J. Noctor, Cincinnati. 3—Clarence N. Greer, Dayton; E. C. Sohngen, Hamilton. 4—J. Henry Goeke, Wapakoneta; J. R. Marker, Versailles. 5—Daniel M. Bailey, Ottawa; Henry L. Conn, Van Wert. 6—W. F. Roudebush, Batavia; A. G. Turnipseed, West Union. 7—M. R. Denver, Wilmington; W. S. Thomas, Springfield. 8—W. W. Durbin, Kenton; Wm. D. Cover, Crestline. 9—Alfred C. Duff, Port Clinton; J. A. O'Dwyer, Toledo. 10—Louis Horwitz, Pomeroy; Milton S. Cox, McArthur. 11—M. A. Daugherty, Lancaster; F. A. Stacy, Chillicothe. 12—James Ross, Columbus; Curtis C. Williams, Columbus. 13—Frank T. Dore, Tiffin; A. V. Bauman, Jr., Fremont. 14—D. L. Rockwell, Ravenna; C. Mulcahy, Akron. 15—George White, Marietta; Robert T. Scott, Cambridge. 16—Ed. S. Wertz, Dalton; A. H. Etling, Orrville. 17—Guy C. Meyers, Ashland; Charles H. Spencer, Newark. 18—Clifford L. Belt, Bellaire; T. J. Duffy, East Liverpool. 19—Thos. McNamara, Youngstown; W. B. Kilpatrick, Warren. 20—Charles A. Mooney, Cleveland; Howell Wright, Cleveland. 21—John

J. Babka, Cleveland; Wm. F. Thompson, Cleveland. 22—Martin J. Madden, Cleveland; B. S. Pyke, Cleveland.

The Democratic National Convention met in San Francisco June 28, 1920. From the first ballot Governor Cox ranked as a leading candidate. While his name was not first in the list it was well to the front in the early voting. The Ohio delegation was led by former Governor James E. Campbell, who did yeoman service in behalf of Governor Cox and E. H. Moore, who was given chief credit for the final result. After a protracted contest Governor Cox was nominated on the forty-fourth ballot.

And thus it was that the two major political parties chose as their candidates for the presidency resident and native Ohioans. Rev. Aaron Sherman Watkins, candidate of the prohibition party, was also born in and nominated from Ohio.

In the August primaries the republicans and democrats nominated full state tickets. Harry L. Davis, mayor of Cleveland, was nominated by the republicans for governor over former Congressmen Ralph D. Cole and Roscoe C. McCulloch. Former Governor Frank B. Willis was nominated for United States Senator over Walter F. Brown, Judge R. M. Wanamaker and two minor candidates. The democrats nominated for governor Vic Donahey without opposition; for United States Senator, W. A. Julian over A. F. O'Neil.

The primaries signalized the return of former Governor Willis to the arena of politics. After his defeat in 1918 he had been somewhat quiescent and there was speculation for a time as to his probable fate in the November election. Prohibition was now an accomplished fact and the women had the right to vote. Would the wet element forgive him for his activity in these two interests? Would the women remember his frank advocacy of their cause at the ballot box?

As the campaign advanced, it was apparent that there was a strong undercurrent against the democratic party. This had been steadily growing since President Wilson, in 1918, issued his call for the support of democratic candidates only in the election of congressmen. The long contest over the League of Nations changed many votes. The result of the election was in no wise chargeable to the democratic standard bearers in the state and nation. The landslide in favor of the republican party could not be turned by the most resourceful leadership. Votes were cast in Ohio for the presidential candidates as follows:

Warren G. Harding	1,182,022
James M. Cox	780,037
Eugene V. Debs	57,147
R. C. Macauley	2,153

The republican state ticket was elected by unprecedented majorities.

The years of the third administration of Governor Cox were years of intense political activity in Ohio, but "getting back to normalcy" was a matter of more serious concern to the citizens of Ohio and the entire Nation. The farmer was first to feel the effect of "deflation," which in the case of those who had invested in farm lands at inflated war prices was staggering and financially disastrous. The ex-service men were having their troubles in adjusting themselves to pre-war pursuits and the disillusionment that followed the generous reception on their return from camps and battle fields.

It is pleasing to record that projects of improvement, which had been delayed by the war, were again promptly resumed. Highway construction was pushed with vigor and the conservancy work of flood prevention in the Miami Valley, the largest engineering enterprise undertaken at public expense since the building of the canals, was moving forward to completion.

The census for 1920 showed a substantial gain in the population of the state in the last decade. It rose from 4,767,121 in 1910 to 5,759,394

in 1920. While the urban population had increased rapidly, the rural population in a number of counties showed a decrease. Ohio retained her rank as fourth among the states in number of inhabitants.

ADMINISTRATION OF GOVERNOR HARRY L. DAVIS

Eighty-fourth General Assembly

Regular Session, January 3 to May 27, 1921; Extraordinary Sessions, July 3 and September 11 to 12, 1922

Lieutenant Governor Clarence J. Brown, who had been re-elected, continued to preside over the Senate. Rupert R. Beetham was chosen speaker of the House of Representatives. In this general assembly there were in the Senate 36 republicans and 1 democrat; in the House of Representatives 113 republicans and 12 democrats.

The election returns for the constitutional state officers were canvassed. The votes for those named, as recorded by the secretary of state, were as follows:

Governor:	
Harry L. Davis, republican	1,039,835
Vic Donahey, democrat	918,962
Lieutenant Governor:	
Clarence J. Brown, republican	1,117,550
Howell Wright, democrat	772,377
Secretary of State:	
Harvey C. Smith, republican	1,134,657
W. D. Fulton, democrat	749,566
Auditor:	
Joseph T. Tracy, republican	1,126,321
D. F. Butler, democrat	754,581
Treasurer:	
Rudolph W. Archer, republican	1,109,191
C. B. Orwig, democrat	770,387
Attorney General:	
John G. Price, republican	1,058,561
Joseph McGhee, democrat	824,172
United States Senator:	
Frank B. Willis, republican	1,134,953
W. A. Julian, democrat	782,650
Henry B. Strong	2,647
Chief Justice of the Supreme Court:	
C. T. Marshall	810,635
Hugh L. Nichols	607,926
Judges of the Supreme Court (long term—two to elect):	
Dan B. Cull	407,005
Frank R. Field	219,967
G. D. Hersey	140,692
Thomas A. Jones	812,606
George W. Mannix, Jr	375,507
Edward S. Matthias	820,853
Judge of the Supreme Court (short term)	
Coleman Avery	400,696
George Cook	237,556
Benson W. Hough	786,494

Marshall, Jones, Matthias and Hough—all republicans—were elected.

The landslide to Harding helped the entire republican ticket. Next to Harding, who received 1,182,022 votes, came Willis with 1,134,657. Judge Harvey C. Smith was a very close third. If pluralities are con-

HARRY L. DAVIS

Governor January 10, 1921—January 8, 1923. Born January 25, 1878; home, Cleveland. Mayor of Cleveland

sidered, Smith and Tracy ranked high in the order named, while on the non-partisan judicial ticket Matthias and Jones with a smaller vote had each a larger plurality than Harding on the national ticket, due in part to the divided opposition. The high vote for Donahey was a strong recommendation for his renomination in 1922.

In his inaugural message on January 10 Governor Davis favored home rule in taxation that should permit the people to determine by vote "whether, and if so, how much they wished to tax themselves in excess of the Smith law limitation" for public purposes; state-wide enforcement of laws prohibiting the liquor traffic; compensation to working men for loss of health by occupational diseases; protection of the public from the sale of worthless securities; Americanization work, especially among the foreign population of the large cities.

Soon after his inauguration Governor Davis appointed a citizens' taxation committee, and on March 15 he submitted the committee's report to the Legislature as a guide in devising a system of taxation that would meet the test of the public interest and requirements. After repeated efforts the House and Senate were unable to agree upon the different bills proposed.

There also arose the unusual situation of the two houses being unable to agree upon a common date for adjournment. The governor exercised his constitutional prerogative and on May 29, 1921, prorogued the general assembly to meet December 30, 1922, for a final adjournment. In the meantime the governor issued two calls for special sessions, as will be noted later.

An event of much interest to the people of Ohio was the inauguration of Warren G. Harding as president of the United States. He had chosen to his cabinet the well known political leader from Ohio, Harry M. Daugherty, for the important post of attorney-general.

The outstanding feature of the Davis administration was the enactment of the reorganization law. It was introduced by Robert C. Dunn as House Bill No. 249, to establish an administrative code for the state, to abolish certain offices, to create new administrative departments, and redistribute among them existing administrative functions. The bill was passed as an emergency measure. The emergency feature was criticised because it prevented a popular referendum. The reply was made that only in that way could Governor Davis fulfill his platform pledges and reorganize the government during his elective term.

Under this law the administrative functions of the state government were organized after the federal plan into departments, the heads of the departments constituting the governor's cabinet. These departments, with their heads, in the Governor Davis administration were: Agriculture, Louis J. Taber; Highways, Leon C. Herrick; Finance, W. Albert Davis; Education, Vernon M. Riegel; Health, Dr. Harry H. Snively; Commerce, William H. Phipps; Public Welfare, Howard S. MacAyeal; Industrial Relations, Percy Tetlow.

These appointments, without exception, were well received. Louis J. Taber had been long and prominently identified with the agricultural interests of the state. He had been master of the State Grange and active in extending its membership and influence, his marked ability suggesting him for the high position he has since attained as master of the National Grange. Percy Tetlow had similar identification with the labor interests of the state. He was a member of the Ohio Constitutional Convention of 1912 and active in the labor group of that body; a veteran of the War with Spain and captain, with overseas service, in the World war. Dr. Harry H. Snively was a prominent physician in Columbus. He had for years been interested in the Ohio National Guard; had served with the Red Cross in Russia, 1915-1916; with the army on the Mexican border; with the Thirty-seventh Division overseas in the World war, receiving numerous decorations. William H. Phipps had been state oil inspector and under the Taft administration had served as auditor in the

Philippines. Vernon M. Riegel had previously proved his popularity and worth as superintendent of public instruction. The remaining members were fitted by previous experience and training for their respective positions. It was generally agreed that the first "Governor's Cabinet" was well chosen.

Much suffering was reported among the unemployed coal miners of the state in the winter of 1921-1922. On January 12, 1922, Governor Davis issued a proclamation urging Ohio citizens to use Ohio coal and provide work for the miners. He declared that "a situation near stages of calamity" prevailed in the coal mining regions of Ohio; that while "Ohio consumes an average annually of 65,000,000 tons. * * * The people of Ohio in 1921 bought only 31,000,000 tons of this home-produced coal." The remedy suggested was the purchase of Ohio coal for Ohio consumption.

In accordance with a determination expressed early in the year, Governor Davis declined to be a candidate for re-election. This left an open field for candidates on the Republican ticket.

On June 24, 1922, Governor Davis called an extraordinary session of the general assembly to consider:

"First: Situation presented by anticipated insufficiency of bonus bond issue to allow payment of all ex-service men's claims.

"Second: Recess appointments made by the governor since the proroguing of the general assembly and awaiting senate action."

The governor set forth the occasion for calling the special session in part as follows:

"The general assembly last year enacted a proposed constitutional amendment for submission to the voters, under which authority was given for the issuance of $25,000,000 of state bonds, to cover payment by the state of Ohio of a bonus to every Ohio ex-service man who served in the World war, on the basis of $10 a month for each month of such military service. This constitutional amendment was approved by the voters, and the bonds have since been issued by the commissioners of the sinking fund of Ohio, in whose charge, under the terms of the amendment, the issuance of the bonds and the distribution of the resulting funds to Ohio's World war veterans was placed.

"There was recently brought to my notice possibility that the $25,000,000 bonus fund so provided might not be sufficient to allow payment by the sinking fund commissioners of every legitimate claim for such adjusted compensation."

To meet this contingency the legislature was called in extraordinary session. The date of the meeting was first set for July 17, but subsequently advanced to July 3. When the general assembly met on that date the governor in a special message reported a cash balance in the treasury of about $10,000,000, which could be diverted to the bonus purpose, thus obviating the necessity of an additional bond issue. A bill was passed making appropriation for the further payment of adjusted compensation for service in the World war and the legislature adjourned, having been in session only one day.

The campaign preceding the August primaries was a spirited one. The "open field for all" invited a large number of candidates for the republican gubernatorial nomination. They included Carmi A. Thompson, Charles L. Knight, Harvey C. Smith, Homer C. Durand, Rupert R. Beetham, D. W. Williams and Harry Smith.

The contest for the democratic nomination for governor was between Vic Donahey and Judge James G. Johnson of the Supreme Court.

Thompson and Donahey were chosen to lead their respective parties. Mr. Thompson had held important positions in the public service; had been speaker of the House of Representatives, secretary of state, assistant secretary of the interior and treasurer of the United States under the Taft administration; was a trusted friend of President Harding and rendered important service as member of the Advisory Commission to

the American delegation at the Conference for the Limitation of Armaments. Mr. Donahey had proven his popularity and vote-getting power in previous campaigns.

Simeon D. Fess, educator and prominent member of the Lower House of Congress, was nominated by the republicans for United States senator. Senator Atlee Pomerene was nominated for re-election by the democrats.

The second special session of the 84th general assembly was called for the purpose of appointing a fuel administrator to regulate and fix the price of coal, and under certain contingencies to operate the mines and declare an emergency. The assembly was in session September 11-12, just long enough to enact the required legislation.

In a proclamation Governor Davis discontinued the functions of the fuel administration from December 1, 1922, declaring it had served its purpose in preventing profiteering in coal. The situation was due to the prolonged strike of the union miners in the bituminous coal fields.

In his message to the 85th general assembly on January 1, 1923, Governor Davis reviewed many of the accomplishments of the preceding two years. "In the new system of administrative operation of the state government, known as the reorganization plan," said he, "a new epoch is marked in the history of Ohio's management of its public affairs. A year and a half's operation of it has firmly and clearly distinguished its substantial merit and its vast superiority over the old order. The results it has accomplished have been striking. They are to be found in every branch of the state work and though in many instances sweeping in degree and scope, there is ample assurance that it will yield increasingly higher benefits to the public in improved, larger and more economical service as succeeeding administrations make the most of its possibilities." The enormous treasury balance of nearly twenty million dollars "represents at least in large part direct savings in state expenses which the new plan has permitted."

Governor Davis invited especial attention to the excellent record of his administration in highway improvement as follows:

"Ohio has completed a biennium which places this state by far in the lead among all American states in intensive and extensive road building work during any similar period. The two years saw exactly 1,800 miles added to the state's improved highway system, increasing it nearly fifty percent. Had it not been for untoward industrial conditions during the latter part of 1922, the mileage so completed would easily have exceeded 2,000 miles. * * * Included in the roads so built are seven thoroughfares extending from state line to state line—three east and west, three north and south, and one diagonally across the state."

The opposing political party did not agree with the Governor in regard to the results of the "reorganization plan." It was pointed out that while the balance in the treasury was large the annual expenditures of the state government had very materially increased, rising from $29,479,260.84 in the last year of the administration of Governor Cox to $47,808,266.16 in 1921 and $51,605,009.19 in 1922—the two years of the Davis administration. The large balance in the treasury, it was claimed, was due to larger revenues derived from taxation.

The vote for senators at the November election was: Fess, 794,159; Pomerene, 744,588. An amendment had been proposed legalizing the manufacture and sale of light wines and beer. The secretary of state had refused to certify the proposition for vote on the ground that even if adopted it would be without effect on account of the eighteenth amendment. On September 19 the Supreme Court ordered the proposal put on the ballot. It was rejected by a majority of 188,472. The democrats elected their candidates for governor and lieutenant-governor; the republicans elected their candidates for the remaining state officers.

Senator-Elect Simeon D. Fess was well qualified for the office to which he had been chosen. He had been college professor; lecturer on

educational, historical and economic subjects; president for ten years of Antioch College, founded by Horace Mann; vice president of the Ohio Constitutional Convention of 1912, and member of the Lower House of Congress, where he was recognized as a leader. His election by a substantial majority over a very able competitor added to his prestige, on this, the first test before the voters of the entire state.

It is fitting that reference should here be made to the views of Governor Davis on the death penalty. While he considered it his duty to enforce the penalty imposed by law, he was opposed to capital punishment and contributed to The Outlook of July 26, 1922, a monograph on "Death by Law," which is a candid, comprehensive and eminently fair presentation of the subject. Mr. James K. Mercer, legislative historian, did well to reproduce this contribution in his "Ohio Legislative History," (1921-1922). Those interested should read this able survey of the subject.

ADMINISTRATION OF GOVERNOR VIC DONAHEY

Eighty-fifth General Assembly

Regular Session, January 1 to April 28, 1923

The General Assembly convened on the 1st day of the new year with Clarence J. Brown presiding in the Senate. He was succeeded on January 8th by Earl D. Bloom, who had been elected lieutenant-governor at the previous November election. H. H. Griswold was chosen speaker of the House of Representatives. In the Senate there were 31 republicans and 4 democrats; in the House of Representatives 103 republicans and 27 democrats.

The election returns for the constitutional state officers were canvassed and the result officially declared. As recorded by the secretary of state, votes were cast for candidates as follows:

Governor:	
Carmi A. Thompson, republican	803,300
Vic Donahey, democrat	821,948
Lieutenant-Governor:	
W. C. Chatfield, Jr., republican	753,696
Earl D. Bloom, democrat	766,397
Secretary of State:	
Thad H. Brown, republican	820,974
W. D. Fulton, democrat	685,818
Treasurer:	
Harry S. Day, republican	844,398
William J. Hiler, democrat	666,786
Attorney-General:	
C. C. Crabbe, republican	780,192
S. M. Young, democrat	744,693
Judges of the Supreme Court (long term—two to elect):	
Florence E. Allen	540,762
Robert H. Day	650,817
Benson W. Hough	492,656
Stanley Matthews	423,245
Thomas D. Price	379,999
Judge of the Supreme Court (short term):	
George H. Clark	41,826
Nicholas Klein	26,457

The small vote cast for the short term is due to the fact that no names were printed on the ballot. Those voting had to write in the name of the candidate for the short term.

Governor January 8, 1923—. Born July 7, 1873; home, Columbus. Member Constitutional Convention of 1912; state auditor.

Day and Clark were republicans; Florence Allen ran as an independent.

Some one has said, "All governors are much alike." Vic Donahey, however, must be put in a class by himself. He has not been standardized. Born in Cadwalader, Tuscarawas County, July 7, 1873, he was not, at the outset of his career, hampered with the conventionalities of city life. Cadwalader or West Chester, the hamlet in which he was born, has not yet risen to the dignity of an incorporated village. His education was acquired in the common schools and the printing office. In politics he began modestly as clerk of Goshen Township in his native county. He served four years as county auditor; was a member of the Ohio Constitutional Convention of 1912; was twice elected state auditor by substantial majorities. As candidate for governor in 1920, he led his most popular associate on the democratic ticket by almost 100,000 votes and ran ahead of the average vote of the remaining candidates on that ticket by about 150,000. That he should now defeat so able and popular a candidate as Carmi A. Thompson marked him as a man with a strong appeal to the electorate. His services as auditor of state left the impression, especially with the farmers of the state, that he was independent, courageous and honest—an impression that is held with faith undiminished to this day. As auditor he had saved the state large sums of money, and the fact that he was at times out of harmony with his own party organization strengthened the confidence of the people in his independence and integrity.

The fact that without wealth or special educational advantages he has risen to the highest position within the gift of the electors of Ohio is an inspiration to others striving under like conditions to find the way to success.

In his message to the General Assembly Governor Donahey expressed himself as follows on a familiar theme:

"Past folly in the creation of public debt and unscientific tinkering with our tax laws leave the Ohio taxation system in a deplorable condition. For years tax payers have been at the mercy of public officials whose caprices might suggest bond issues or increased tax levies for this or that purpose, until today approximately 50 per cent of all direct taxes received are required to pay annual interest and retire bonds coming due. Taxation and public debt have been limited and re-limited, but all to no avail because in eleven years direct taxation has increased 200 per cent.

"Non-partisan joint committees on taxation of the Ohio Legislature have biennially for years hired experts and tinkered with our taxation laws until today we have nothing but a hodge-podge system that is violated with impunity by many taxing districts to stave off bankruptcy."

He declared that the state is over-organized; that the prevention and punishment of crime are costing too much—$20,000,000; that the uniform rule of taxation must be enforced; that the holding of elections is costing $2,200,000 a year—twice what it should cost; that the department of public welfare should be decentralized by the re-establishment of the board of administration, the board of state charities, the state board of clemency and the state commission for the blind. He opposed the creation of municipal courts by separate acts for each municipality, but favored instead a uniform municipal court code.

Among the proclamations issued by the governor were the following: August 6, 1923, announcing the death of President Harding; October 29th, calling a conference for the enforcement of the prohibition, narcotic and other laws; November 10th, calling upon the people of Ohio to use Ohio coal to give employment to the coal miners of the state; naming the week of December 9, 1923, for making contributions to the Harding Memorial Association; March 10, 1924, calling upon

local officials to exercise increased diligence in the enforcement of prohibition laws.

In announcing the death of President Harding the governor said:

"Again our state, the mother of presidents, is mourning the loss of the long line of leaders she has contributed to the United States of America. Warren G. Harding is the fifth President to be buried in Ohio soil. He was the fourth Ohioan to be stricken by death while serving in that high office."

In a proclamation announcing a grade crossing safety first conference the governor said:

"During the year 1923 there were 157 automobile accidents at grade crossings in Ohio with 235 persons killed and 729 injured. During the year there were 1,235 deaths caused by automobile accidents in general and 6,180 persons injured."

On Saturday, June 28, 1924, a cyclone swept over Northern and Northeastern Ohio, smiting with destructive violence the manufacturing city of Lorain and inflicting the greatest loss in the state since the flood of 1913. The sudden storm "hopped about crazily, like a whirling dervish of death," striking first Attica, then leaping to Sandusky, thence to Lorain and then to West Dover, Avon, Cleveland, Alliance and into Pennsylvania. Between 450 and 500 houses were destroyed or badly wrecked in Lorain. The number of dead was finally reported as sixty-five, and the injured as many times that number. The property loss in this city exceeded $20,000,000.

The governor hastened to the scene of disaster. In his proclamation of June 30th he said:

"Ohio is visited by a disaster of magnitude. The storm of last Saturday night has taken a frightful toll of life and property loss. * * * The scene of greatest loss and suffering is at Lorain, where conditions beggar description. Churches, schools and business houses are demolished. Thousands of families have lost their homes, mostly mortgaged. Streets in the city are blockaded by buildings and wreckage so that ingress on the part of the public may not be possible for weeks. Gas connections for fuel purposes may not be restored for two months. The need of relief is great and urgent."

In conclusion the governor urged the mayors of municipalities and the newspapers of the state "to assume leadership in facilitating speedy response to the appeal in their respective communities." He asked the emergency board to appropriate $50,000 as the state's contribution to the relief fund.

On November 1, 1924, there was serious rioting at Niles, Ohio, over a parade of the Ku Klux Klan, which had been announced to take place in that city. The disturbance originated between klansmen and Knights of the Flaming Circle. The local authorities were unable to control the situation. After twelve persons had been seriously injured by "shooting and mauling," Governor Donahey by proclamation placed the city under qualified martial law. Troops were promptly ordered to Niles under the command of Gen. Benson W. Hough, and order was promptly restored. The governor's proclamation of qualified martial law was said to be the first of its kind issued since 1865.

At the democratic presidential preference primary of April 29, 1924, 74,183 votes were cast for James M. Cox and 29,267 for William G. McAdoo. The following Ohio delegates to the Democratic National Convention were chosen—all pledged to Former Governor James M. Cox:

At large—James E. Campbell, Columbus; Judson Harmon, Cincinnati; Atlee Pomerene, Canton; J. H. Goeke, Lima; T. J. Duffy, Columbus; W. W. Durbin, Kenton; Mrs. Minnie B. Siddall, Toledo; Eleanor B. Johnson, Zanesville.

Districts: 1—W. A. Julian, Cincinnati; E. F. Peters, Cincinnati,

2—Vincent H. Beckman, Cincinnati; John R. Quane, St. Bernard. 3—J. Spriggs McMahon, Dayton; Warren Gard, Hamilton. 4—Dan H. Kirwan, Lima; James R. Marker, Columbus. 5—Newt Bronson, Defiance; Kearns Wright, Van Wert. 6—W. A. Inman, Portsmouth; George B. Nye, Waverly. 7—John L. Zimmerman, Springfield; M. R. Denver, Wilmington. 8—Charles V. Truax, Columbus; N. E. Arnold, Marion. 9—Edward J. Lynch, Toledo; John Sorenson, Port Clinton. 10—Louis Horwitz, Pomeroy; Frank R. Gross, Athens. 11—M. A. Daugherty, Lancaster; Garrett S. Claypool, Chillicothe. 12—Curtis C. Williams, Columbus; Clayton A. McCleary, Columbus. 13—Earl D. Bloom, Bowling Green; Louis J. Quinn, Vickery. 14—Con Mulcahy, Akron; Wendell L. Willkie, Akron. 15—George White, Marietta; A. R. McCulloch, Cambridge. 16—Durbin Metz, Wooster; Elmer Cline, Canton. 17—James M. Neville, Delaware; Carroll R. Jackson, Mt. Vernon. 18—Harry Gager, Salem; John T. Flynn, Bellaire. 19—Edmond H. Moore, Youngstown; D. F. Dunlavy, Ashtabula. 20—Charles A. Mooney, Cleveland; Pierce D. Metzger, Cleveland. 21—Harry L. French, Cleveland; Mrs. Anna L. Mulac, Cleveland. 22—Newton D. Baker, Shaker Heights; W. B. Gongwer, Cleveland Heights.

While the foregoing list presents an array of men and women eminent in the democratic party, the name of Governor Vic Donahey does not appear as a delegate. Some thought that in this omission the prestige of the governor had sustained a serious fracture; others regarded it as another instance of his usual "good luck."

The Democratic National Convention in 1924 was held at Madison Square Garden, New York, and continued in session from June 24th to July 9th. The two leading rivals for day after day were William G. McAdoo and Governor Alfred E. Smith. Finally on the One Hundred and Third ballot the nomination went to John W. Davis of West Virginia. Charles W. Bryan of Nebraska was nominated for vice president.

At the presidential preference primaries (April 29, 1924) 173,613 republicans expressed their preference for Calvin Coolidge, and 27,578 for Hiram Johnson. The following Ohio delegates—all of whom favored the nomination of Coolidge—were chosen to the Republican National Convention:

At large—Harry M. Daugherty, Columbus; Frank B. Willis, Delaware; Simeon D. Fess, Yellow Springs; Charles L. Knight, Akron; William C. Procter, Cincinnati; Mrs. John G. Battelle, Columbus; Mrs. David Tod, Youngstown.

Districts: 1—R. K. Hynecka, Cincinnati; E. W. Edwards, Cincinnati. 2—J. J. Burchenal, Cincinnati; George F. Scott, Cincinnati. 3—R. R. Nevin, Dayton; Robert Patterson, Dayton. 4—John Galvin, Lima; Albert Herzing, St. Marys. 5—Joseph Ross, Paulding; O. M. Purmort, Van Wert. 6—Henry T. Bannon, Portsmouth; Robert M. Andre, Waverly. 7—Frank H. Smith, Xenia; Charles J. Waggoner, Lebanon. 8—Hoke Donithen, Marion; Ralph Cole, Findlay. 9—Walter Brown, Toledo; Frank E. Calkins, Toledo. 10—John E. Jones, Jackson; A. R. Johnson, Ironton. 11—W. K. Martin, Lancaster; Barton Walters, Circleville. 12—James J. Thomas, Columbus; William W. Williams, Columbus. 13—Frank P. Riegle, Bowling Green; Charles L. Sherwood, Fremont. 14—Mrs. Helen A. Pardee, Akron; Arthur L. Garford, Elyria. 15—F. M. Ransbottom, Zanesville; W. W. Mills, Marietta. 16—U. D. Miller, New Philadelphia; Harvey P. Ake, Canton. 17—Webb L. Rybolt, Ashland; Ray Watkins, Radnor. 18—Louis H. Brush, Salem; St. Clair Archer, Bellaire. 19—William I. Davies, Youngstown; P. E. Remick, Ashtabula. 20—Paul Howland, Cleveland; Ralph C. McBride, Cleveland. 21—Clayton C. Townes, Cleveland; Herman Finkle, Cleveland. 22—Carmi A. Thompson, Cleveland; T. E. Burton, Cleveland.

The Republican National Convention met in Cleveland, Ohio, June 10, 1924. Theodore Burton, congressman and former United States Senator from Ohio, presided and made the key-note address. Calvin Coolidge was nominated for President, and for Vice President, Charles G. Dawes, soldier-statesman and native Ohioan, was chosen.

The Progressive National Convention met in Cleveland July 4, 1924, and on the following day nominated Robert M. La Follette for President. Senator Burton K. Wheeler was later named by a committee of the progressive conference as candidate for Vice President.

The work of the eighty-fifth General Assembly was to an unusual degree routine, consisting in the passage of local laws, amendments to the prohibition enforcement laws and additions to or modifications of other portions of the General Code. It must be recorded, however, that an effort was made to solve the taxation question by the enactment of four laws. These were (1) the Taft rate limitation act, which modified existing rates raising the limitation for cities; (2) the Albaugh act, relative to listing and assessing property for taxation; (3) the Robinson act, fixing penalties for failure to list property for taxation; (4) the McDonald act, providing for state-wide re-appraisement of property. Governor Donahey vetoed all of these measures. The Taft, Albaugh and Robinson bills were passed over the governor's veto. The referendum was invoked against the first two of these and both were overwhelmingly defeated—the Taft act by 367,377 affirmative and 728,087 negative votes; the Albaugh act by 231,152 affirmative and 765,163 negative votes. At the same election a measure providing for old age pensions was submitted to the people by supplementary initiative petition and received 390,509 affirmative and 777,351 negative votes. At this election were also submitted three constitutional amendments. The first of these slightly modified the provision of the constitution relating to workmen's compensation. It carried by a majority of 60,279. The second proposal related to the elective franchise. It was carried by a majority of 115,018. The third proposal related to publication of notices of proposed constitutional amendments and was defeated by 142,273.

The governor used his veto power rather freely. Seventy-four bills were vetoed and in addition certain items in the general and sundry appropriation bills. Eleven acts and a number of the vetoed sections of the appropriation bills were passed regardless of his objections.

The contest for the republican nomination for governor was again an interesting one with eight candidates in the field. They were in alphabetical order: J. F. Burke, John L. Cable, Harry L. Davis, Homer Durand, George B. Harris, Joseph B. Sieber, Harry C. Smith and James A. White. Former Governor Harry L. Davis won by a substantial plurality. The four leading candidates received votes as follows: Davis, 176,397; Sieber, 101,509; White, 98,489; Durand, 54,820.

The result of the democratic primary for governor was at no time in doubt. Two candidates were in the field. Governor Donahey received 183,622 votes and James C. B. Beatty 41,608.

At the November election Calvin Coolidge received 1,176,130 votes in Ohio—698,242 more than his nearest competitor and 340,294 over the combined vote for Davis and La Follette. While the republican candidate polled this remarkable vote for president, Governor Donahey broke all previous records in the race for governor and was elected.

ADMINISTRATION OF GOVERNOR VIC DONAHEY

Eighty-sixth General Assembly

Regular Session, January 5 to April 17, 1925

The General Assembly convened January 5th with Earl D. Bloom presiding in the Senate. He was succeeded January 12th by Charles

H. Lewis, who had been elected lieutenant-governor at the previous November election. Harry D. Silver was chosen speaker of the House of Representatives. In the Senate there were 33 republicans and 2 democrats. In the House of Representatives there were 110 republicans and 20 democrats.

The election returns for the constitutional state officers were canvassed and the result officially declared. As recorded by the Secretary of State votes were cast for candidates as follows:

Governor:	
Harry L. Davis, republican	888,139
Vic Donahey, democrat	1,064,981
Lieutenant-Governor:	
Charles H. Lewis, republican	1,030,077
Earl D. Bloom, democrat	735,590
Secretary of State:	
Thad H. Brown, republican	1,143,668
J. H. Newman, democrat	622,028
Auditor:	
Joseph T. Tracy, republican	1,091,540
Daniel E. Butler, democrat	645,458
Treasurer:	
Harry S. Day, republican	1,028,973
Hamilton G. Dewees, democrat	713,216
Attorney-General:	
C. C. Crabbe, republican	1,023,207
Thomas H. Morrow, democrat	733,579
Judges of the Supreme Court (Long term—two to elect):	
J. D. Clark	518,068
Frank R. Fields	231,465
Walter H. Kinder	566,433
Reynolds R. Kinkade	707,772
James E. Robinson	761,052
William A. Teutsch	116,599
Judge of the Supreme Court (Short term):	
Harry L. Conn	784,516
Nicholas Klein	462,811

Robinson and Kinkade, republicans, and Conn, democrat, were elected. Conn had no republican competitor.

There are some outstanding features in the election of November, 1924. Coolidge, republican candidate for President, carried the state by a plurality of 698.242; Donahey, democratic candidate for governor, was elected by a plurality of 176,842. As will be seen, the candidates for other offices on the republican state ticket were elected by pluralities ranging from 289,628 to 521,640. Governor Donahey's majority over all, including Virgil D. Allen, who received 11,776 votes, and Franklin T. Catlin, who received 8,468 votes, was 156,598. Such a phenomenal result at an Ohio election had never before been recorded. That Governor Donahey should have achieved this victory in the face of a republican landslide of unprecedented dimensions made it all the more remarkable.

The large majority for Thad H. Brown, secretary of state, 521,640, was another outstanding feature of this election. Mr. Brown, as will be recalled, polled a large vote at the November election in 1922.

Complaint had been made in the previous administration that the governor had been handicapped by a republican Legislature, and the claim was made, at times somewhat vociferously, that he should have a democratic Legislature to translate his policies into law. The people, however, again elected a Legislature overwhelmingly republican. Their purpose—if indeed they had any purpose in thus mixing the political situation—was possibly to place such restraints upon the executive and

legislative departments of the state government as would make it difficult for either to do much harm. However this may be, the governor and the majority leaders of the General Assembly in this session began early to talk of "cooperation." They even admitted that they had made mistakes in the previous administration by frittering away valuable time in party and personal wrangling. They now declared their willingness "to let bygones be bygones" and to work together for the good of the state.

It was not long, however, until differences arose, and the resolution was evidently forgotten, for the General Assembly was soon passing laws without much regard to the governor's policies and platform pledges, and the governor was again wielding his veto ax somewhat freely. Most of the measures that incurred his opposition were repassed over his veto. To be more specific, forty-three bills and items in three appropriation bills were vetoed. Thirty-three of these bills and items in two of the appropriation bills were passed over the governor's veto. The net result of the exercise of the veto power was not so evident as in the previous General Assembly.

In his message to the General Assembly on January 12th, the governor renewed his recommendation of two years previous on the subject of taxation. His views are clearly set forth in the following paragraph:

"I would give the people of each taxing district direct and full control over future increases in tax levies, debts and sources of revenue. Why should they not be permitted to vote their tax rates as high as they want them and issue as many bonds as they desire so long as they themselves pay the bills they create? Care must be exercised, of course, so that actual majorities of the electors always govern. Tax questions and bond issues should be submitted preferably only at regular November elections. If submitted at a special election a proposal should not carry unless approved by a majority of the total vote cast at the last preceding regular election. Such a system would guarantee absolute and full home rule by actual majorities, each taxing district for itself. It would do away with the injustice of an unequal valuation of property among counties and give each district the choice of paying high rates on low valuations or low rates on high valuations. The evil of our present and past taxation laws has been that the taxpayers have been at the mercies and caprices of a few public officials and little self-seeking minorities of people. If public officials and little minorities are to continue to control our debt and taxation system, it is only a question of time until the state and many of its subdivisions will be in the hands of receivers."

There is a growing disposition to accept the policy thus outlined. The chief objection to it is that with no brake or limitation, the local governing units would run still more deeply into debt; that high taxing rates and big bond issues would be the regular order in municipalities and other taxing units of the state. The answer is that the people would soon get tired of taxing themselves. They would learn that the burden of taxation ultimately reaches the shoulders of all members of the community; and knowing this they would in time become in the best sense of the term conservative. The disposition in recent years to vote down bond issues seems to confirm this view. Some who are still in doubt are disposed to give the principle of "home rule in local taxation" a trial. If adopted it would at least relieve the General Assembly of one of the most perplexing questions that have annoyed it since the admission of Ohio into the Union.

The child labor amendment to the Constitution of the United States was offered in the House of Representatives January 21st. It was voted on January 27th and signally defeated. Thirty-five votes were cast for it and ninety-one against it. The laws enacted by the Eighty-sixth General Assembly were not of unusual importance. They are still matters of current news that have not ripened into history.

The precedent of 1923 was followed by passing a number of taxation measures over the governor's vetoes. These escaped the referendum and are now in force. They are: (1) The McDonald Law, providing for statewide reappraisal of real estate every six years; (2) the Brown Law, levying a tax of 2 cents a gallon on gasoline used for motor vehicles; (3) the Tallentire Law, providing for "home rule in fixing the tax rates for municipalities"; (4) the Dempsey Law, providing for franchise taxes on corporations; (5) the Vorys Law, providing for budget systems for taxing divisions and establishing a uniform fiscal year for them and the state.

The Dodd Tax Law so nearly met the governor's requirements for a "home rule tax measure" that he permitted it to go into effect. It provides for fixing tax rates, when authorized by a vote of the people in the political subdivisions of the state. It was not entirely satisfactory to the governor because it did not require the proposals for fixing rates to be voted on at a general election and passed by a majority of all the votes cast at such election. It permitted them to be submitted at special elections and to become effective on the approval of "a majority of those voting thereon." He recorded similar objections to the Kreager measure which empowered political subdivisions to issue bonds when approved by 55 per cent of those "voting thereon" at a general or special election. To neither of these acts did the governor interpose his veto. Their practical operation will be observed with much interest, as it will indicate in large measure the efficacy of the principle of home rule in local taxation. These two laws represent an approach to the "cooperation" between the governor and the General Assembly frequently promised at the opening of this session.

On April 16th, the Senate refused to confirm four of the major appointments of the governor—one each to the Civil Service Commission and the Tax Commission, and two to the Public Utilities Commission. This action constituted another "break down" in the cooperative program.

The measure before the General Assembly which created the most heated discussion and left an aftermath of bitterness was the Buchanan-Clark bill requiring the reading of the King James version of the Bible in the schools. This was in no sense a political issue. If it should prove to be fraught with danger to the political aspirations of men in the public service it will not be the first time that they have suffered for their action on issues of a religious nature. The measure was supported by the Ku Klux Klan and certain Protestant religious denominations. It finally passed the General Assembly and was vetoed by Governor Donahey. It is a significant fact that since this occurred Former Secretary of State Charles E. Hughes and very recently President Calvin Coolidge have warned the people of the entire Nation against bigotry and appeals to religious prejudice. Their serious words indicate that they consider these two elements of discord real dangers to the Republic.

Three constitutional amendments were submitted to be vetoed upon at the November, 1925, election. They provided: (1) For a material limitation of the power to incur bonded indebtedness by the political subdivisions of the state; (2) a limited classification of property for purposes of taxation. The exceptions proposed to the uniform rule included motor vehicles, all moneys, credits, bonds, stocks and all other intangible property "which may be taxed as provided by law"; (3) the extension of the terms of state and county officers to four years.

Much discussion was precipitated by the report of the Federal Council of Churches on prohibition. Coming as it did from a source known to be in sympathy with the prohibition movement, some of the conclusions were distinctly disappointing to the drys and encouraging to the wets. "We cannot yet tell," says the report, "whether prohibition is really successful." Among the concluding sentences is the fol-

lowing: "Since a large portion of our population is opposed to prohibition, in order to make prohibition successful, the churches and dry organizations must try to change the minds of the people by energetic and sustained educational effort."

These are among the conclusions of the council after six years of prohibition. It seems that the results of this report which is now so widely considered will be to encourage the opponents of prohibition and stimulate its friends to renewed effort.

In no other state, perhaps, have these conclusions been more seriously considered than in Ohio, the home of the anti-saloon league and a battleground for years between the wets and drys.

Centenary of Lafayette's Visit to Ohio

One great city in the United States at least appropriately celebrated the centenary of Lafayette's visit to America. The City of Cincinnati, under the leadership of Mrs. Lowell F. Hobart, Ohio Regent of the D. A. R.; Mrs. Charles A. Meyers, regent of the Cincinnati chapter of this organization; Mrs. Thomas Kite, general chairman of the committee in charge, and Mrs. J. Stanley Orr, her assistant, planned a very successful celebration of the visit of Lafayette to Cincinnati, where he was received 100 years before, in the name of the state as well as the Queen City of the West.

On May 19, 1925, just 100 years after the visit of Lafayette, a most interesting program was rendered. The newspapers of Cincinnati had prepared the people for the event by the publication of accounts of Lafayette's visit, and the people came out in great numbers to hear read the speech of Governor Morrow, who had welcomed Lafayette in behalf of the state, and the reply of Lafayette.

The interest manifested in this celebration simply illustrates what might have been duplicated in every city of the United States that had, 100 years ago, entertained Lafayette. In the failure to adopt and carry out generally a program for such celebration of the centennial anniversary of this remarkable tour, the patriotic societies of America lost a real opportunity.

Wreck of the Shenandoah

The morning of September 3d found Columbus, the capital city of Ohio, in expectant attitude. Many eyes were directed toward the East, for this was the day that the Shenandoah, the giant dirigible of the American army, was to pass over the city. The State Fair was in progress, and visitors were present from many parts of the state, eager to see this leviathan of the air of which they had heard much. They were awaiting to see it rise above the horizon, gliding gracefully toward the city and reflecting the silver light of the morning.

They waited in vain. The Shenandoah did not reach Columbus. But there was flashed to the city the news that it had been wrecked in a storm and that its broken fragments were strewn over the hills of Noble County, Ohio. Gradually the details of this catastrophe were known through special editions of the city papers. The wreck of the Shenandoah was complete, and fourteen officers and men of a crew of forty-three had lost their lives. Among them was Lieutenant-Commander Zachary Lansdowne of Greenville, Ohio.

The first news fell like a pall over the city and soon newspaper correspondents, many of them from a distance, and others interested were on their way to the scene of the tragedy in automobiles and airplanes.

It seems that very few persons witnessed the wrecking of the airship in its struggle with the storm. It is somewhat difficult to understand just how this would appear from the earth, but here is the statement of a credible observer:

"A great cigar-shaped monster, its sides shimmering like silver in the first rays of the dawn as it glided gracefully through the heavens; a muffled roar which echoed and re-echoed through the silent countryside; a drunken, careening hulk aloft where the dirigible seemed momentarily to stand still and then—not a crash—but a seemingly gentle slipping to earth."

This is the picture drawn by Mr. C. L. Arthur of Belle Valley and put into words by the correspondent of the Columbus Evening Dispatch. It appears that when the Shenandoah was rent asunder the severed portions did not fall directly to earth. The gas in the compartments kept a portion of the ship afloat and greatly relieved the descent of another large portion which contained the greater number of the crew. The front section, with seven of the crew, landed about twelve miles from the Village of Ava, near which the main section, carrying twenty-six survivors, landed with a crash.

The following record from the log of the ship, written by G. W. Armor, who was one of the fourteen to perish, describes its progress after crossing the Ohio River. It was faithfully kept until the very moment when the Shenandoah lost her fight with the storm:

2:15 a. m.—Follow valley westward through Ohio and see lightning directly ahead. Take higher elevation and find that visibility is bad.

"2:30 a. m.—Strike strong head winds and see storms both west and southwest in distance. Believe that we can ride them without trouble and bear straight westward.

"3:15 a. m.—Storm increasing in intensity and ship pitches heavily. Pass over Lore City, Ohio, and steer toward Cambridge, northwest, to avoid storm direct ahead.

"3:50 a. m.—See Cambridge in distance and make little headway, result of strong head winds. Storm worst we have encountered to date.

"4:20 a. m.—Pass over Byesville, Ohio, after battling storm over half an hour and decide to steer south to get out of direct winds. Trouble with radio, will not pick up messages—effort to repair it unsuccessful.

"4:55 a. m.—Members of crew called from gondola pit and sent into runway to aid in keeping ship on even keel. Commander orders care in changing course. All engines working perfectly, unable to get headway in the wind.

"Lightning increases in intensity. Hope to ride out storm soon. Unable to get radio to function.

"Pleasant City seen in distance, observation station off course thirty miles south.

"Orders to throw off gasoline tanks given and complied with, but does not aid stability. Radio no better.

"Wind increasing in volume. Get no chance to—"

The sentence was never finished by the brave soldier who stood at the post of duty till the end.

Following is the list of those who lost their lives:

Lieutenant-Commander Zachary Lansdowne of Greenville, Ohio, captain of the ship.

Lieutenant-Commander Louis Hancock, Jr., of Austin, Texas, executive officer.

Lieutenant J. B. Lawrence, St. Paul, Minnesota.

Lieutenant A. R. Houghton, Alston, Massachusetts.

Chief Petty Officer Schnitzer, Tuckertown, New Jersey.

Machinist Mate James Moore, Savannah, Georgia.

Chief Rigger E. P. Allen, St. Louis, Missouri.

Lieutenant E. W. Sheppard, Washington.

Rigger Ralph T. Joffray, St. Louis, Missouri.

Machinist Mate B. B. O'Sullivan, Lowell, Massachusetts.

Machinist Mate W. A. Spratley, Venice, Illinois.
Chief Machinist Charles Broom, Atlantic City, New Jersey.
Machinist Mate C. P. Mazzucco, Murray Hill, New Jersey.
Machinist Mate James W. Culliman, Binghampton, New York.

And thus another point in Ohio is made memorable by this tragedy. Here, in the long warfare for the supremacy of the air, brave men in the uniform of the Republic gave battle to the thunderstorm—and lost.

Yes, They Are All From Ohio

Mr. A. P. Sandles, familiarly known in Ohio as "Put" Sandles, who hails from Putnam County, has been a successful school teacher, an enthusiastic agriculturist and one of the prominent Democrats of the state. But his interest in Ohio, her history and the achievements of her sons, is the dominating enthusiasm of his life. It knows not the bounds of creed or partisanship. Mr. Sandles is pointed out as the man who discovered that "the rainbow comes down in Ohio." One cannot hear him talk of the proud place of his native state in the galaxy of the republic without feeling the contagion of his enthusiasm. He never tires of relating the achievements of Ohio's illustrious sons—teachers, warriors, statesmen and presidents. To each he generously assigns the meed of praise. Recently in speaking to the writer he said:

"Yes, Ohio does not just now have the President of the United States. But she has had a goodly share of them. And have you recently thought," he added, "of the dominant place our state still holds in national affairs?

"If you should be in Washington next month after the assembling of Congress and look into the House of Representatives, that great assembly of men from every section of the Union, you will see presiding over that distinguished body, in the speaker's chair, with the ability of the best of his illustrious predecessors, Hon. Nicholas Longworth of Ohio.

"If you should then go to the Senate chamber in the national capitol and look down from the gallery upon the eminent men of this highest legislative body in the world, you will see presiding there another Ohioan, Charles Gates Dawes, the soldier statesman, whose name is a household word throughout the land.

"Your interest will then carry you to the Supreme Court of the United States, the tribunal of last resort, where passion and prejudice are forgotten and justice is administered. In this tribunal, as the worthy successor of John Marshall and Morrison R. Waite and Melville W. Fuller, sits another son of Ohio, William Howard Taft, chief justice and former President of the United States, who wears the distinguished honor of having served at the head of both the executive and judicial departments of the Republic.

"Have you thought of that?" asked Mr. Sandles enthusiastically. "Should not the proud position of our state stir the hearts of the rising generation with a generous enthusiasm?"

Of course the listener, especially if he be an Ohioan, will agree with all that Mr. Sandles has said. Possibly he will be disposed to pursue the line of thought a little farther, outside of the political field.

Let us suppose, for instance, that the reader was recently in Sacramento, California, and visited the National Grange assembled there in annual meeting. In that body he would have seen the representatives of the varied farming interests from all sections of the United States, from whose ranks have been recruited the successful men of every walk in life. Presiding over the deliberations of this large and intelligent assembly, with the ease and decorum of a master, would have been seen Louis J. Taber, who hails from Ohio, where he aided through a series of years in building up the great organization over which he presides.

The American Federation of Labor will hold its next meeting in Detroit on the first Monday in October. If a visitor should be privileged to be present he will have an opportunity to look upon a large assemblage of men representing every craft of the labor world. For intelligence, courage, conservatism, and practical appreciation of its needs and the opportunities that it enjoys under the republican form of government, this body of men has no peer in the labor assemblies of the world. In the office of president of this great organization will be recognized a native of the Buckeye State, William Green, who started in the coal mines of Coshocton County, and rose through the local labor organizations of his section and the state senate of Ohio, to the position of international secretary-treasurer of the United Mine Workers of America, and then, on the death of Samuel Gompers, to the presidency of the American Federation of Labor.

In Philadelphia, the City of Brotherly Love, where the Quaker spirit still lives, though not as dominant as in the long ago, the American Legion will assemble on the occasion of its next annual meeting. The Legionnaires of Ohio who attend that meeting will have the privilege of applauding the opening address of the presiding officer, an Ohioan, Brig.-Gen. John R. McQuigg, of Cleveland, a World war veteran with a brilliant record of overseas service and an orator whose fervid eloquence has stirred the delegates to previous conventions and marked him as worthy of the distinguished position which he now honors.

In the prosperous inland city, Des Moines, capital of the great agricultural State of Iowa, will be held the next meeting of the Spanish-American War Veterans, and presiding over this body, gavel in hand, will be seen on that occasion a well known Ohioan, Carmi A. Thompson, who of course will be perfectly at home after having presided as speaker of the Ohio House of Representatives.

The next meeting of the American Farm Bureau Federation is scheduled for the week following the writing of these lines, as president of this organization will also be found the ubiquitous Ohioan, Oscar E. Bradfute, who was prominent in the organization of the Farm Bureau movement in Ohio, and now holds the responsible position of president of the national Federation.

Yes, they are all Ohioans—Longworth and Dawes and Taft and Taber and Green and McQuigg and Thompson and Bradfute, all were born within the limits of the Buckeye State. And it will not be forgotten in this connection that the first officer to preside over the American Legion, Col. F. W. Galbraith, whose inspiring personality is still remembered, though born in another state, was an Ohioan by adoption.

Though Ohio cannot claim as her own the able and popular present chief executive of the nation, the state has in both political parties a number of statesmen in waiting who are able and willing to continue the Ohio presidential succession.

EMINENT OHIOANS

EMINENT OHIOANS

GENERAL GRANT[1]

During the rebellion and for years after the Grant family lived in Covington opposite Cincinnati, and eventually Jesse Grant, the father, was appointed postmaster of that town. When the star of his son was rising he was a familiar figure on the platform at Union meetings in Cincinnati. I sometimes saw him standing near the Gazette building, where the people were wont to gather for the latest news from the armies in front in the periods of agonizing suspense.

Father Grant, as they called him, was a large man with high shoulders, about six feet in stature and plainly attired, giving one the idea of being just as he was, a useful, substantial citizen. His complexion was florid, and his eyes were fronted by huge green glasses; his whole appearance was striking. When the Union army was floundering in the mud before Vicksburg and millions were despairing under the long and weary waiting his faith never faltered. "Ulysses," he said, "will work until he gets a grip, and when he gets a grip he never lets go, and he will take Vicksburg."

One summer afternoon when Grant was President I had the experience of a personal interview with his parents and with each alone. I had published in Cincinnati, my then residence, and in connection with the late E. C. Middleton, a portrait in oil colors of Grant, and crossed the river to Covington to show a copy to them and obtain their testimony as to its accuracy. I first called upon the old gentleman at the postoffice. He invited me in behind the letters, and on looking at the portrait was highly pleased, pronouncing it the best he had seen, and was glad to so attest. He was chatty and happy in my presence. Though sociality was natural to him, I am inclined to think that the reflection that he was the father of General Grant, brought up so forcibly at that moment, was the prime factor to produce an extra benignant mood.

Twenty minutes later I was in the presence of Mrs. Grant. Covington, like most towns in the old slave-holding states, had a slip-shod aspect. The Grants lived on an unattractive, narrow street in a small, plain, two-story brick house close up to the pavement. An old lady answered my ring. It was Mrs. Grant, and I think she was the only person in the house. At the very hour when her son was being inaugurated at Washington, it was said, a neighbor saw her on the rear porch of her residence, with broom in hand, sweeping down the cobwebs.

She was in person and manner the antithesis of her husband; a brunette with small, slender, erect figure, delicately chiseled features, and when young and simply Hannah Simpson must have been very sweet to look upon. Indeed, she was so then to me from her modest air of refinement and that expression of moral beauty which increases with the years.

In my presence she was the personification of calmness and silence, and put her signature beneath that of her husband without a word. I tried to engage her in conversation to hear more of the tones than simple replies "yes" or "no," and to see some play to her countenance. It was in vain. Believing that life is so short that one should omit

[1]From Howe's Historical Collections, Volume I, pages 334-35-36.

Henry Howe

no opportunity of trying to give pleasure to another, I said, "I think, madam, I am favored this afternoon. There are multitudes in all parts of our country who would be highly gratified to have an interview with the mother of General Grant."

It was true, I felt it, and it was a pretty thing to say. Not by a word or an expression of countenance did she show that she even heard me. Yet I was glad I said it. A duty had been performed, and it revealed a trait of character. From her General Grant must have got his immobility that on occasions when common civility demanded vocal signification showed in a reticence that was painful even to the bystanders. Neither mother nor son could help it.

The faculty of social impressibility is necessary to every human being if they would widely win souls and fully fill their own. Conversation must be had for life's happiest, best uses, when eye speaks to eye, heart to heart, and the varied tones wake the soul in sympathy. Andrew Jackson, Henry Clay and Abraham Lincoln had words of cheer for everybody, and hence were widely loved. When Henry Clay was defeated for the presidency strong men bowed and wept; when Lincoln was assassinated the whole nation writhed in agony. There was then no such love for Grant. It was because of his extreme reticence and that grim, fixed expression of face that gave no sign of the warm affections that were within. Few, we found, cared to have his portrait, while for those above named, together with the portraits of George and Martha Washington, there was a great demand. Years later this was changed: Grant himself grew social and won more the affections of the people, as they learned his sterling moral qualities.

An analysis of the character of a great man always interests. It never can be only partially done. We never can fully comprehend ourselves, much less so another. Grant's moral qualities were of the best. They were modesty, magnanimity, self-repose, a total absence of vanity, self-seeking, jealousy, or malice. He loved truth and purity. His patriotism and sense of justice were so strong that he would elevate a personal enemy to a position if he was the best man for the public use. No man better loved than he, but his dreadful reticence allowed him to illustrate this only by acts. His mind was simple, direct in its action, and he had it in the perfect mastery of an iron will.

His memory was like a vice. His topographical memory and capacity bordered on the marvelous. When in camp he soon knew the position of every brigade, the name of its commander and the whole country round with its roads, hills, woods and streams, and then it was all before him as a map on the table. During the siege of Vicksburg he heard of a Northern man living in the vicinity, a civil engineer familiar with the whole adjacent country from his surveys therein. He sent for him and adopted him in his military family. That gentleman afterwards said he never met such a head for a civil engineer as that of Grant's.

This faculty made him superior to every other commander, so that with his breadth and clearness of views he could make his combinations and move his men on the field of battle with a well-calculated result, almost as certain as fate. He cared less than most commanders to discover the plans of his enemy. He had his own which they could not foresee, and his involved continued movement. Therein he acted on the knowledge that the greatest courage is with him who attacks, and that even a musket ball in motion is worthy of more respect than a cannon ball at rest. His faculty of concentration was so great, his nerves so rigid, that mid showers of bullets and the skipping of cannon balls he was as calm as on parade. Moreover, he had the invincibility of the faith that the Confederacy would ultimately totter and crumble, and the business of each day was to hasten on the time by action for the

rising of that dust. So he kept pounding away, and proved himself to be God's hammer to break up slavery.

It was well for the amenities of that dreadful struggle that the commanders on both sides had been largely personal friends, youths together in the same military school, brother officers in the same army. Grant felt this bond of sympathy when Lee came into his presence to lay down the sword. And Lee deserved magnanimity in that hour of humiliation. I chanced to make the acquaintance of a Virginian, an elegant young man, who had been an aide of Lee. He told me that one evening at table early in the war the officers of his military family were speaking in no measured terms of indignation of a Virginian, perhaps it was General Thomas, for remaining in the Union army, when General Lee rebuked them, saying, "You do him a great wrong, young gentlemen, in denouncing him. He has acted from the same conscientious sense of duty as you have, and is worthy of your highest respect in his decision."

Grant's mind was strong, but, from his want of imagination, severely practical, dry and naked. An older brother of mine, in the long past, a cadet at West Point, told me that when listening to a lecture there on the properties of a globe he found he could not comprehend it. Through his obtruding imagination that globe was enveloped in a blue flame, the result perhaps of the early theologic teaching which I happen to know he had. With Grant, I venture to say, when he came later to the same study the globe was as clear as a ball of crystal. He liked West Point for its mathematics mainly. What on earth can be drier? Even "the Pons Asinorum" is over a dry bed.

He had no ear for music. Every tune was alike to him. Varied, weirdly-pleasing sensations that arise in the soul of some natures were probably weak in him, such as come from listening to the wind sighing through the pines, the murmurings of the mountain brooks, the cooing of the doves under the eaves, the chirp of the crickets and the nightly disputes of certain innocent, harmless insects who appear to have before them their especial question of the ages, whether "Katy did" or "Katy didn't."

He seemed weak in the perception of the beautiful as derived from the contemplation of nature. It was a great deprivation, such will say who find exquisite enjoyment and lift their hearts in gratitude as they feel the benign presence of the universal spirit in the sparkling dew globule, the trembling leaf and the sweetly-tinted flower. To many a heart this love is a great panacea in a time of woe. They feel in the midst of sore struggles that the world of beauty is still theirs. But for this reflection they might sometimes seek relief in suicide. "Life," they will say, "is yet mine; it is the great possession."

During the eight years of his presidency, I was personally told by the librarian, Grant never entered the library of Congress, and there is no evidence that his information extended much into the leaves of books. I do know that the brightest of our men in ideas, such scholars and thinkers as Woolsey, Emerson, etc., were not his companions, but he seemed largely to find them in the lower strata of the kings of money and lords of fleet horses, gorgeous in their settings, luxurious and materialistic in their lives.

Grant had the sense of moral beauty. He loved goodness and was incapable of an intentional wrong. Not an oath nor an impure expression was heard from his lips. He was as strong in his friendships as in his will, and he had that highest quality of citizenship, deep, fervent devotion to his own family. His dislike of exaggeration, his modesty, his calmness of spirit and honesty of purpose are shown in every word he wrote or spoke. His memoirs, when published, will be found as charming from their terse simplicity and crystal clearness as the narratives of Defoe. Every child will comprehend every word. Grant's absence of imagination and his power of concentration gave

him a clear view of facts, while his marvelous memory gave him therein full breadth of comprehension, so that each fact would fall in at one view and in its relative place of importance.

His calmness was so serene that no intruding emotion could disturb the perfect action of his judgment. Having no imagination, he never appealed to it in his soldiers, nor did they want it. War was with them business, not poetry. A poet was not wanted as commander of the Army of the Potomac, no matter what the direction for which the soul of John Brown was heading; nor a looking-glass commander with his mind upon spreading epaulettes and bobbing plumes.

He was a thoroughly independent, self-poised thinker, and in his simplicity and originality of expression often made two or three words do the work of an entire sentence. A notable instance of this was given when General Butler was imprisoned by the Confederates in the peninsula formed by the junction of the Appomattox with the James. He wrote that he was "bottled-up," two words that so comically expressed the dilemma he had been in that the public laughed at the quiet humor:

He was bottled tight,
  Was bottled long;
'Twas on the Jeems,
  So goes the song.

'Twas there he fumed,
  'Twas there he fretted,
'Twas there he sissed
  And effervesced.

Grant's attachments to his friends was one of his best traits. Many public men, through selfish fear of the charge of nepotism, will allow those bound to them by the strongest ties of kindred to suffer rather than help them to positions which they know they can worthily fill. No such moral cowardice can be laid to his charge. He was alike physically and morally brave to the inmost fibre.

A well-known illustration of his tenderness and strength of affection was shown by his grief on learning of the death of the young and brilliant James B. McPherson, who fell in the battle of Peach Tree Creek, July 22, 1864, "when he went into his tent and wept like a child"; and later in the letter which he wrote to the aged grandmother of the lamented general, when he said: "Your bereavement is great, but cannot be greater than mine."

Such a sublimely pathetic and morally beautiful picture as that presented by Grant in his last dying work is seldom given for human contemplation. To what fine tender strains the chords of his heart must have vibrated, and how inexpressibly sweet his life must have seemed to him in those sad, melancholy days as he sat there, seated in the solitude of his chamber penning his legacy, while the warming sun shot its golden streamers athwart the carpet at his feet, and the air was filled with the joy of short-lived buzzing insects, shown by their low, monotonous notes reverberating from the window-panes. Could the world to which he was hastening offer to his imagination, when he had cast aside his poor, suffering body, anything more beautiful than this?"

Night is over the great city and the stars with their silent eyes look down upon the tomb by the river as in the long ago they looked down there upon a wilderness scene when the prows of Hendrick Hudson moved past through the ever-flowing waters. And there the waters will continue to flow on and on until another great leader shall arise prepared for the last great conflict. And this conflict will not be one of blood, but intellectual and moral—one that shall adjust to the use of the toiling millions a righteous measure for their labor in a land overflowing with wealth and abundance more than sufficient for the

comfort and welfare of every deserving one, even to the very last, the humblest son and daughter of toil. But victory will never ensue until character and not gold has become the general measure of regard, and the race has attained that high moral plane where no one can wield vast possessions and live under the withering scorn that would befall him if he lived for himself alone.

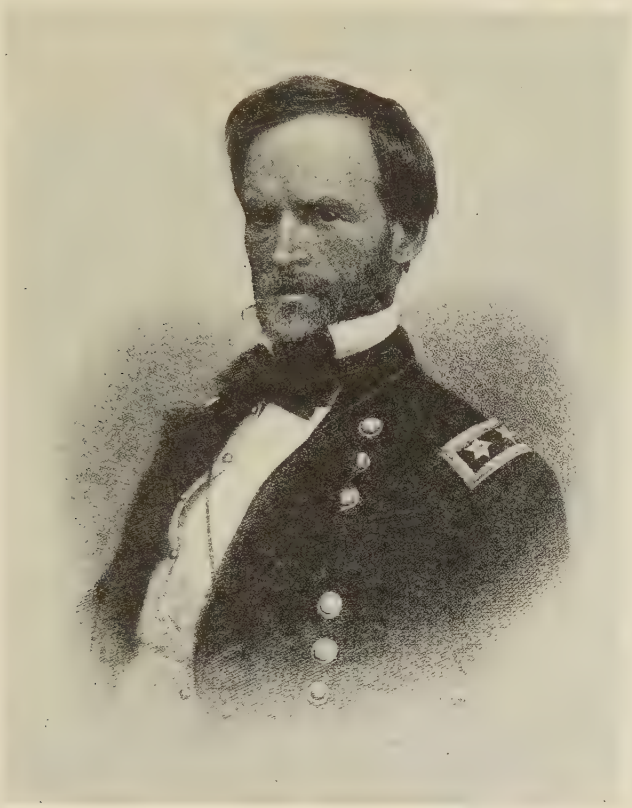
GENERAL WILLIAM T. SHERMAN

General William Tecumseh Sherman was born in Lancaster, Ohio, February 8, 1820, son of Charles Robert and Mary (Hoyt) Sherman, grandson of Taylor and Elizabeth (Stoddard) Sherman, and a descendant of Edmond Sherman, who immigrated from Dedham, Essex County, England, and settled in Boston prior to 1636.

William T. Sherman was adopted by Thomas Ewing, on the death of his father in 1829, attended school at Lancaster, Ohio, until 1836, and entered the United States Military Academy, from which he was graduated and commissioned second lieutenant, Third Artillery, July 1, 1840. He served in the Florida war against the Seminole Indians, 1840-42; was promoted to first lieutenant, Third Artillery, November 30, 1851, and was on garrison and recruiting duty, 1842-47. He was acting assistant adjutant-general of the Department of California, 1847-49; was brevetted captain, May 30, 1848, for services in California during war with Mexico; was aide-de-camp to Major-General Persifer F. Smith, and acting assistant adjutant-general of the Pacific Division, with headquarters at San Francisco, 1849-50; was promoted to captain and commissary of subsistence, September 27, 1850, and was on commissary duty in St. Louis, Missouri, and New Orleans, Louisiana, until 1853, when he resigned his commission. Captain Sherman, after his resignation from the army, became a partner in the banking firm of Lucas, Turner & Company at San Francisco until 1857, when he was appointed agent of the St. Louis branch of the firm in New York, but the firm failed in the same year and he entered into a law partnership with his brother-in-law, Thomas Ewing, Jr., at Leavenworth, Kansas. In 1859 he was appointed superintendent of a military school at Alexandria, Louisiana, completed the building and opened the academy, January 1, 1860, and was professor of engineering, architecture and drawing. In 1861 upon the secession of Louisiana, it was expected by his school colleagues and other people about him that he would ally himself to the secession cause, but he resigned his position and came North.

He was commissioned colonel of the Thirteenth United States Infantry, May 14, 1861, and brigadier-general of volunteers, May 17, 1861. He commanded the Third Brigade, First Division, under Brigadier-General McDowell in the first battle of Bull Run, July 21, 1861. After reorganizing his shattered brigade, he was assigned to duty under General Robert Anderson, in the Department of the Cumberland, August 28, 1861, and succeeded General Anderson in the departmental command October 8, 1861, and occupied Muldraugh Heights for the purpose of defending Louisville, Kentucky, from a threatened attack by Col. S. B. Buckner, September-October, 1861. He was on inspection duty and in command of the camp of instruction at Benton Barracks, St. Louis, Missouri, December 23, 1861, to February 14, 1862. He was in command of the district of Paducah, Kentucky, February-March, 1862, where he was engaged in sending supplies and reinforcements to General Grant, operating in Tennessee. He commanded the Fifth Division, Army of the Tennessee, under Grant, in the Battle of Shiloh, Tennessee, April 6-7, 1862, where he was twice slightly wounded. He was promoted to major-general May 1, 1862; and commanded his division in the advance from Pittsburg Landing to Corinth, Mississippi, April 15-May 30, 1862. Under orders from

General Grant, he took command of the right wing of the Thirteenth Army Corps, composed of all the troops at Memphis, and Gen. Frederick Steele's division at Helena, Tennessee, to co-operate in the combined attack against Vicksburg. Grant's army, pursuing another route, was intercepted by Van Dorn at Holly Springs. Sherman, arriving at Chickasaw Bluffs, December 27, 1862, and receiving no support, made an ineffectual attempt to capture the place, January 3, 1863. He was repulsed with a heavy loss and returned to Milliken's Bend, Louisiana. On January 4, 1863, General John A. McClellan, who was authorized by Secretary Stanton to raise troops for an expedition to open the Mis-



General William T. Sherman

sissippi River, arrived at Milliken's Bend and took command of the Army, which he divided into two corps, the Thirteenth and the Fifteenth, and placed Sherman in command of the latter. On January 11, 1863, the army assaulted and carried Fort Hindman (Arkansas Post), taking about 5,000 prisoners. As a corps commander he took a distinguished part in the operations against Vicksburg, Mississippi, and was made brigadier-general in the regular army, to date from July 4, 1863, when the city surrendered. On July 5th he advanced toward Jackson, in pursuit of General Joseph E. Johnston, and occupied the city. He commanded the relief expedition from the Big Black River to Chattanooga, Tennessee; was assigned to the command of the Army of the Tennessee with headquarters in the field, October 25, 1863, and formed the right wing of Grant's army at the Battle of Chattanooga, November 23-25, 1863, and in the attack on Missionary Ridge and the pursuit of the Confederates to Ringgold, Georgia. He now marched with a portion of the Army of the Cumberland toward Knoxville, Tennessee, and

his approach compelled General Longstreet to raise the siege of that place, December 1, 1863. In January, 1864, he returned to Vicksburg, and on February 3, 1864, with about 20,000 men, marched toward Meridian, Mississippi, to destroy the Mobile & Ohio and the Jackson railroads. Failing to meet an expected co-operating force, he abandoned the expedition and marched toward Central Mississippi, where his troops were transferred to Vicksburg and Memphis.

On March 18, 1864, General Grant became lieutenant-general and General Sherman succeeded him as commander of the Military Division of the Mississippi, embracing all the troops in the territory west of the Alleghanies, and north of Natchez, and organized an army of 100,000 men at Nashville for the spring campaign of 1864. His command at Chattanooga was composed of the Army of the Cumberland under General Thomas, the Army of the Tennessee under General McPherson, and the Army of the Ohio under General Schofield, and he advanced on the Confederate Army under General Joseph E. Johnston at Dalton. Johnston retreated to Kenesaw Mountain, and from there was driven south to Atlanta. Sherman made a direct attack on Atlanta, July 17, 1864; battles were fought at Peach Tree Creek and at Ezra Church; and on September 1, 1864, General John B. Hood, who had superseded General Johnston, evacuated Atlanta and moved upon Nashville, where he was defeated by the Army of the Cumberland under General Thomas. Sherman received the thanks of Congress for his services in the Chattanooga campaign, and was promoted to major-general in the regular army, August 12, 1864. He began his famous "March to the Sea," from Atlanta to Savannah, November 15, 1864, the march ending in the capture of Fort McAllister and of the city of Savannah, December 21, 1864. It was resolved by Congress, January 10, 1865: "That the thanks of the people and of the Congress of the United States are tendered to Major-General William T. Sherman, and to the officers and men under him, for their gallantry and good conduct in their late campaign from Chattanooga to Atlanta, and the march thence to Savannah, terminating in the capture of that city." He commanded the Federal forces composed of the Army of the Ohio, under General John M. Schofield; the Army of the Tennessee, under General Oliver O. Howard; and the Army of Georgia, under Henry W. Slocum, in the campaign through the Carolinas, marching from Savannah, Georgia, to Bentonville, North Carolina, destroying all the railroads in the interior, and receiving the surrender of General Johnston's army at Durham Station, North Carolina, April 26, 1865. On April 28, 1865, he began his march to Washington, D. C., this being the last of his great marches, which had covered in all 2,600 miles and, after passing in review before President Johnsson and General Grant, May 24, 1865, the army was disbanded. General Sherman was promoted to lieutenant-general, United States Army, July 25, 1866; was in command of the Military Division of the Mississippi, with headquarters at St. Louis, 1865-66, and of the Military Division of the Missouri, 1866-69. He was a member of the board to make recommendations for brevets to general officers, March 14-24, 1866, and was detailed on a special mission to Mexico, November-December, 1866. When General Grant became President of the United States, Sherman succeeded him as general of the United States Army, with headquarters at Washington, July 25, 1866. He made a tour of Egypt and the East, 1871-72, and retired from active service February 8, 1884. In 1886 he removed to New York City. The honorary degree of LL. D. was conferred upon him by Dartmouth College in 1866, and Yale College in 1876, and by the College of New Jersey in 1878.

General Sherman never forgot his old home at Lancaster, Ohio, where the formative years of his life were passed. After the close of the Civil war, on June 24, 1865, he revisited the place and made an address beginning with the salutation: "Friends of my boyhood."

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keeper. The stirring events of the Mexican war gave him his inspiration for the life of a soldier. Having gained the acquaintance of the congressman from the district, Thomas Ritchey, young Sheridan addressed a letter to him, asking for an appointment to West Point, and the congressman promptly sent him his warrant for the class of 1848. A quarrel with a fellow cadet caused him to be suspended for one year, so that he did not graduate until July 1, 1853. This interval from the fall of 1851 until the summer of 1852 he spent at home, again employed as bookkeeper in the village store.

As brevet second lieutenant he served on frontier and garrison duty in Kentucky, Texas, California and Oregon. He was promoted to second lieutenant, Fourth Infantry, November 22, 1854; first lieutenant, March 1, 1861; and captain, Thirteenth Infantry, May 14, 1861. His Civil war record began with his service as president of the board for auditing claims at St. Louis, Missouri, November 18-December 26, 1861; was chief quartermaster and commissary of the Army of Southwest Missouri, 1861-62; and served in the Mississippi campaign, April-September, 1862, as quartermaster at Major-General Halleck's headquarters during the advance to Corinth, Mississippi, April-May, 1862. He was commissioned colonel of the Second Michigan Cavalry, May 25, 1862, and commanded a brigade on the raid to Booneville, Missouri, May 28, 1862, taking part in the skirmishes at Booneville, Blackland, Donaldson Cross-Roads, and Baldwin, and in the battle of Booneville, July 1, 1862. He was promoted to brigadier-general of United States Volunteers, July 1, 1862, and commanded the Eleventh Division, Army of the Ohio, in the advance into Kentucky, October-November, 1862, in the battle of Perryville, October 8, 1862, and the relief of Nashville, Tennessee, October-November, 1862. He commanded the Third Division, Army of the Cumberland, in the Tennessee campaign, 1862-1863; was promoted to major-general of volunteers, December 31, 1862, and engaged in the pursuit of the Confederates under Van Dorn to Columbia and Franklin; captured a train and many prisoners at Eagleville, in March, 1863; commanded the advance on Tullahoma, June-July, 1863; took part in the capture of Winchester, Tennessee, June-July, 1863; crossed the Cumberland Mountains and the Tennessee River, and commanded the Third Division, Twentieth Army Corps, under General McCook, in the battle of Chickamauga, Georgia, September 19-20, 1863. He commanded the Second Division, Fourth Corps, of the army under General Grant in the Chattanooga campaign, November 23-27, 1863, where he led his division from Orchard Knob up Missionary Ridge, and drove the Confederate force from and down the summit. He was in occupation of East Tennessee, 1863-64. On April 4th of the latter year he was transferred to Virginia and given command of the cavalry corps of the Army of Potomac, there entering upon a career which has made his name famous for all time.

On September 21, 1864, the Federals under Crook attacked Early's left and rear, and Early retreated to Mount Jackson, where he reformed and retired to Port Republic. On October 12, under orders from Secretary Stanton, Sheridan started for Washington to consult with Stanton and General Halleck, and on October 18th Early secretly moved a force at Cedar Creek and made an early morning attack. Sheridan stopped at Winchester on his way from Washington, and, hearing the sound of battle, he rode to Cedar Creek, a distance of twenty miles, and, as he passed the retreating troops, shouted: "Face the other way, boys; we're going back!" Sheridan pursued the enemy to Mount Jackson. He was promoted to major-general, United States Army, November 8, 1864, and the thanks of Congress were tendered him, February 9, 1865, for "gallantry, military skill, and courage, displayed in the brilliant series of victories achieved by his army in the valley of the Shenandoah, especially at Cedar Creek." He took part in the closing

scenes of the chapter ending with the surrender of Lee at Appomattox Court House.

He commanded the Military Division of the Gulf, July 17, 1865, and was in the command of the Department of the Gulf, August 15, 1866-March 11, 1867; of the Fifth Military District, composed of Louisiana and Texas, March 11-September 5, 1867, and of the Department of the Missouri, with headquarters at Fort Leavenworth, Kansas, 1867-68. He conducted the campaigns against the Indians in the winter of 1868, commanded the Military Division of the Mississippi, with headquarters at Chicago; and was appointed lieutenant-general of the United States Army by President Grant in 1869. He visited Europe in 1870 and was a guest of the German staff during the battle of Gravelotte. He commanded the western and southwestern military divisions of the United States, 1878-83.

Upon the retirement of General Sherman in 1883, Sheridan succeeded to the command of the United States Army, and in 1888, by act of Congress, approved by President Cleveland, he was given the rank and emoluments of general, United States Army, the title to terminate with his life. In the selection of names for a place in the Hall of Fame for great Americans, New York University, October, 1900, his name received twenty-three votes in class Soldiers and Sailors, this number being equalled by Stephen Decatur and Thomas J. Jackson, and excelled only by Grant, Farragut, Greene, Lee, Perry and Thomas. He was married in 1879 to a daughter of Gen. Daniel H. Rucker, United States Army. General Sheridan was taken ill from exposure caused by travel in the West, and died in Nonquitt, Massachusetts, August 5, 1888.

"Sheridan's Ride" was one of the most stirring poems inspired by the Civil war. It was written by Thomas Buchanan Read at the urgent solicitation of the elocutionist and actor, James E. Murdoch. The ladies of Cincinnati had planned a reception to Murdoch who was returning from the headquarters of the Army of the Cumberland, and who was full of enthusiasm over the brilliant victory achieved by Sheridan and his troops at Cedar Creek. He urged Read to write a poem that he might read before the large audience that was sure to be present at Pike's Opera House in the evening. Read at first refused to undertake this, but finally yielded to the persuasion of Murdoch and finished the poem a short time before the meeting. In the presence of the great audience Gen. Joe Hooker, who was present in Cincinnati that evening, presented in behalf of the ladies a beautiful silk flag after which Murdoch read the poem by Read. At his conclusion the applause of the assembled thousands "shook the building" and the poem was launched on its career of popularity.

GEN. GEORGE A. CUSTER

The boy Custer inherited military tastes from his grandfather, who was a Hessian soldier in the American Revolution and married in Pennsylvania, afterwards removing to Maryland. His father, however, was connected with peaceful pursuits—first a blacksmith, afterwards a farmer. He married for his second wife, Mrs. Kilpatrick, whose maiden name was Mary Ward, and George A. Custer, born at New Rumley, Harrison County, Ohio, December 5, 1839, was their eldest child.

Young Custer is spoken of as a "smart lad with very quick appreciation, and a remarkable rapid student, but one who hated study." However, he received a fair district school and academy education, and then with his father's consent applied to the congressman of his district for appointment to the United States Military Academy, at West Point, which he entered in 1857. He graduated four years later, was immediately sent to Washington, D. C., and in July, 1861, was entrusted by Gen. Winfield Scott with despatches to be delivered to Gen. Irwin

McDowell, then at the front, preparing for the first battle of Bull Run. After delivering his despatches, he joined the Fifth Regiment, United States Cavalry, and took some part in the battle. He was next detailed as aide-de-camp to Gen. Phil Kearney, but in the fall of 1861 returned to Monroe, Michigan, where he had previously lived with his sister. This was the turning point of his life, as he solemnly pledged his sister to abstain from intoxicating liquor, a vow he religiously kept until his death. He returned to Washington in February, 1862, and in reconnaissance near Catlett's Station, Virginia, encountered Confederate pickets, which was his first experience with cavalry advance guards, the enemy retreating before his charge.

In the Peninsular Campaign of 1862, Custer was assistant to the chief of engineers on the staff of General W. S. Smith, where he remained until the army reached Chickahominy River, his duty being the superintendence of balloon reconnaisances. This attracted the attention of General McClellan, who appointed him aide-de-camp on his staff with the rank of captain. Obtaining permission to capture Confederate pickets, with two companies of cavalry and one of infantry, just before sunrise, he opened fire on a post occupied by the "Louisiana Tigers," stampeded them, forced them down the river, and secured arms and prisoners and took with his own hands a stand of colors—the first taken by the Army of the Potomac. When McClellan was relieved of his command, Custer returned to his regiment, having been promoted to first lieutenant. He was next attached to the staff of General Pleasanton and commanded a cavalry division. He was in action at Brandy Station and Aldie, Virginia. In the latter battle he won his star as brigadier-general by his dashing and brilliant lead of a cavalry charge, this promotion placing him in command of the Michigan cavalry brigade which he afterwards made famous.

The attempt of the Confederate cavalry at the battle of Gettysburg to turn the right flank of the Federal army was shattered, and the enemy was driven from the field by Custer's brigade, with those of McIntosh and Gregg. His handling of his brigade during the pursuit of Lee's army brought him additional honor. A few weeks of comparative rest was devoted to drilling and disciplining his brigade. He thus made that volunteer organization fully the equal of a regular cavalry command. In an engagement at Culpeper, Virginia, a piece of shell killed his horse, and inflicted a painful wound on his thigh. On a short furlough he went to Monroe, Michigan, and was married, February 9, 1864, to Elizabeth, the only daughter of Judge Daniel S. Bacon.

On the reorganization of the Army of the Potomac in 1864, Gen. P. H. Sheridan became commander of the cavalry forces. General Custer's brigade was assigned to the First Division, in the extreme advance of the cavalry corps. On May 11th the cavalry force was within four miles of Richmond, but, lacking infantry support, was obliged to remove to Whitehouse Landing, on the Pamunky River. A second cavalry raid soon followed, and in a fight at Trevillian Station the enemy was so close upon Custer that his color bearer was shot, and the general barely saved the colors by tearing them from the staff and concealing them in his clothes.

In the Shenandoah Valley campaign, the cavalry charge on September 19, 1864, determined the victory, in which Custer's brigade had a large share. A week after, he was transferred to the command of the Second Division, but before he could join his command, was relieved and ordered to command of the Third Division, in which he had won his star as a brigadier. In company with General Merritt's division he fought on October 9, 1864, the battle of Woodstock Races, of which General Sheridan reported: "The enemy was defeated with loss of all his artillery but one piece, and everything which was carried on wheels. The rout was complete, and was followed up to Mount

Jackson, a distance of some twenty-six miles." This battle was largely gained by the use of the sabre, a favorite weapon with Custer. Ten days afterward, at the second battle of Winchester, in the early part of the day the success of the enemy was stayed by the forces of Generals Merritt and Custer. The strange spectacle was presented of six or seven thousand horsemen with a few batteries holding in check and repulsing charge after charge from an army of 20,000 infantry, flushed with victory. In this battle the cavalry acted as a shelter behind which, several miles distant, the Federal Infantry was hastily forming. When Sheridan at the end of his famous ride reached the infantry, he completed its reformation and led it back to triumph over Early's forces. This accomplished the almost instant and total destruction of the last aggressive Southern army in Virginia, and sounded the death knell of the Confederacy. Custer's part in the battle added lustre to his already established fame as a cavalry division leader. During the following winter he received the brevet of major-general of volunteers.

The last raid of Sheridan's cavalry began February 27, 1865. Custer's division numbered 4,600 men, all of whom ultimately joined General Grant's army to the southwest of Richmond. During the march his division fought at Waynesboro, Virginia, and to Custer were surrendered the keys of the public buildings at Charlottesville, Virginia. He was also able to annihilate the remaining forces of General Early, and nearly took him prisoner. After the union of Sheridan's forces with those of Grant, the battles of Five Forks and Dinwiddie Court House followed, and in these engagements General Custer bore himself as usual. He received the first flag of truce, a towel on a pole, with overtures of surrender, and was present at Appomattox Court House when the surrender took place. Custer's farewell order to his division was issued April 9, 1865, and after his participation in the great parade at Washington, D. C., his connection with the Civil war closed.

After the cessation of the war, General Custer was assigned to military service in Texas, and on the formation of the Seventh United States Cavalry Regiment he became its lieutenant-colonel. He was mustered out as a major-general of volunteers at Houston, Texas, in March, 1866. He joined his regiment at Fort Riley, Kansas, and in the spring of 1867 he was in General Hancock's expedition against the Cheyenne Indians on the western plains and had his first experience in fighting Indians. This war was protracted until the following year, when Custer closed it, November 17, 1868, by the battle of Wachita River. In this affair his command killed 103 warriors and took fifty-three squaws prisoners, totally annihilating the band. After this the Cheyennes returned to their reservation.

The Seventh Cavalry in 1871 was divided and sent to Kentucky and South Carolina, Custer being assigned to Elizabethtown, forty miles from Louisville. Here two years were spent, where he wrote *My Life on the Plains.* The regiment in March, 1873, was ordered to Dakota to guard the construction of the Northern Pacific Railroad. Here the regiment was in collision with the hostile Sioux. In July, 1874, he made a successful expedition to the Black Hills region in Montana. In the spring of 1876 the Sioux tribe confederated against the United States Government. Under orders from General Terry, Custer's regiment was ordered to the Rosebud River, a tributary to the Yellowstone, to the headwaters of the Little Big Horn, and thence down the latter stream in expectation of joining the column of Colonel Gibbon, who was en route for the mouth of the Big Horn, the purpose being to enclose the Sioux so their escape would be impossible. Custer on the first day marched his command twelve miles up the Rosebud; continuing his march the next day, thirty-three miles were covered. The third day the trail of the Indians freshened with every mile, and the regiment, after accomplishing twenty-eight miles, went into camp. The following morning the troops crossed the divide between Rosebud

and Little Big Horn rivers. Indians had been seen, and no surprise was now possible, therefore it was determined by Custer to move at once to the attack. In accordance with his invariable method of attack, he divided his forces into three commands, so as to attack in front and both flanks at the same time. With five companies under his own command he moved up the right bank of the Little Big Horn River. The other two commands were led by Major Reno and Captain Barber. The Indian village was three and one-half miles long, and Custer, attacking the middle of it, commenced a fierce battle with a force of Sioux which many times outnumbered his own men. The two other commands failed to assist in the attack, and Custer's five companies were driven from point to point, one company after another of his troops were killed. Finally, fighting heroically to the last, he and some forty others sold their lives dearly. The fatal encounter lasted about three hours, resulting in the total extinction of the United States troops engaged. The Government in 1879 interred on the battlefield all of the slain, making it a national cemetery. Upon the spot where Custer fell a monument was erected bearing the names and titles of those who had lost their lives. The general's remains were removed to the United States Cemetery at West Point, New York.

General Custer's qualities as a soldier are plain from his record, but the mainspring of Custer, the man, was his truth and sincerity, honor and bravery, tenderness and sympathy, unassuming piety and temperance.

General Custer's personal appearance is described as follows: "He was nearly six feet in height, broad-shouldered, lithe and active, with a weight never above 170 pounds. His eyes were blue, his hair and mustache of golden tint. He was a man of immense strength and endurance, and, as he used neither liquors nor tobacco, his physical condition was perfect through all the hardships of his life."

He was the ideal cavalryman of Civil war times and his promotion was early and rapid. "Eleven horses were shot under him in battle. At the age of twenty-three he was made a brigadier-general, at twenty-five a major-general."

He had a brother, Thomas Ward Custer, born in New Rumley, Harrison County, Ohio, March 15, 1845, who was also a soldier with creditable record. Because of his youth he had difficulty in getting into the service in the Civil war. He finally succeeded, however, and served with his brother. After the war he served in the regular army and was with his illustrious brother in the fatal battle with the Indians on the Little Big Horn, where they fell fighting side by side. Not long before this battle General Custer was asked his opinion of his brother. His answer was: "If you want to know my opinion of Tom, I can only say that I think he should be the general and I the captain."

GEN. JAMES B. McPHERSON

The Ohio soldier of highest military rank killed in the Civil war was Gen. James Birdseye McPherson of Clyde, where he was born on the 14th of November, 1828. Little did the citizens of that village, who saw a sunny-faced, cheerful and studious boy running about the streets, imagine that he was eventually to be one of the real heroes of the conflict brought about by slavery. He was greatly attached to his family and neighbors, all of whom admired him. It was in battle, however, when every muscle and every tissue was in action that the real heroic qualities of McPherson were shown. He has been adopted as one of our national heroes, while his deeds and fame are sung not only in this section of the country but throughout every state of the Union. No name is held in more affectionate remembrance by the people of Ohio than that of General McPherson.

His youth was comparatively uneventful, but he was everywhere

looked upon as upright and trustworthy and his friends were almost as numerous as his acquaintances. An appointment to West Point at the age of nineteen, opened up the door of opportunity. At that institution he soon took high rank. "We looked upon him," Professor Mahan wrote, "as one among the ablest men sent forth from the institution, being remarkable for the clearness and prompt working of his mental powers. His conduct was of an exceptional character. These endowments he carried with him in the performance of his duties as an engineer officer, winning the confidence of his superiors as a most reliable man. His brilliant after career in the field surprised no one who had known him intimately." He graduated in the class which numbered Schofield, Sill, Tyler, Hood and Sheridan. He taught at West Point for a year and then became engaged in engineering work. At the outbreak of the war he responded with enthusiasm to the call

Major-General James B. McPherson

of his country. He was then just thirty-two years old. His first promotion was to a lieutenant colonelcy of volunteers with General Halleck. He was a member of the unfortunate expedition which ended at Pittsburg Landing, but no criticism fell upon him for that blunder. When Halleck was summoned to Washington, McPherson was promoted to the rank of brigadier general of volunteers. He was sent by Grant to the aid of Rosecrans at Corinth. Because of a successful attack at Hatchee, he was advanced to the rank of major general. Soon after he was assigned to the command of the right wing of the army of the Tennessee and showed real ability in the management of his troops. He joined Grant in the advance upon Vicksburg. His services here commended him to the favor of his superiors. In the spring of 1864 he removed his headquarters to Huntsville, Alabama, and shortly afterward embarked on his last campaign.

He had an active part in the Atlanta campaign. While riding with an orderly to a battle that had been begun with the enemy, he was mortally wounded in an ambuscade on the 22d of July. The full account of the death of General McPherson was written by General Sherman on the day after his death when the sounds of battle still thundered in his ear and when his heart was torn by the loss of a comrade and friend whom he loved:

"General McPherson fell booted and spurred as the gallant and heroic gentleman should wish; not his loss alone but the country's, and the army will mourn his death and cherish his memory as that of one who, though comparatively young, had risen by his merit and ability to the command of one of the best armies which the Nation had called into existence to vindicate her honor." History tells of but few who so blended the grace and gentleness of the friend with the dignity, courage, faith and manliness of the soldier."

On the 22d of July, 1881, in the presence of a concourse of 15,000 people, there was unveiled in the cemetery at Clyde a monument to the distinguished soldier. It occupies a knoll in McPherson Cemetery, where the hero with his father and mother and two brothers lie, and which once formed a portion of the homestead of the McPherson family where the general was born. General Sherman delivered a splendid eulogy upon the deceased hero:

"You knew his genial, hearty nature, his attachment to his family and neighbors, but you could not see the man as I have seen him, in danger, in battle when every muscle and every tissue was in full action, when his heroic qualities shone out as a star in the darkest night."

GEN. FREDERICK FUNSTON

Gen. Frederick Funston was born November 9, 1865, in New Carlisle, Ohio, son of Edward Hogue and Ann E. (Mitchell) Funston. He was reared upon the home farm, and early manifested a great avidity for knowledge, being an industrious reader; and he was of much assistance to his father, who was a writer and public speaker. Passing through a high school in Kansas, he was for two years a student in the University of that state.

His active career began in a reportorial capacity on newspapers in Arkansas and Kansas City, Missouri. On one occasion he accompanied an army force sent out to repress Indian disorders and performed some soldierly duties, as well as writing a narrative history of the events. As assistant botanist he accompanied the United States Death Valley expedition in Southern California, drafting maps, recording temperatures, and the like; and for two years afterward doing arduous and dangerous work in the collection of the flora of Alaska. In addition, he made a study of the seal fisheries and the questions connected with them. Returning to Kansas, he lectured on his adventures and experiences, and with the means this obtained he bought land in Mexico, with the intention of becoming a coffee planter; but, needing more capital, undertook to raise it in his own state and in the East. While so engaged was made deputy comptroller of the Atchison, Topeka & Santa Fe Railroad, with offices in New York City.

His life found a different channel in 1896, when, attending a meeting of Cuban sympathizers, he found his interest awakened. He offered his services to the Cuban Junta, under countenance of which he recruited and drilled a company which he took to Cuba and reported to General Gomez. He had taken with him a few pieces of light artillery, which he commanded against the Spanish. In the battle at La Machuca he was wounded in the arm, but remained in command, participated in other engagements, and was promoted to the rank of major. At Las Tunas he made a brilliant charge, and was promoted to lieutenant-colonel. At Samai he was shot through the lung, and later injured a leg by being thrown from his horse in a charge. He was now taken with fever, and set out for home, but was taken by Spanish soldiers, by whom he was condemned to death, but finally was released and reached the United States in December, 1897, having been in twenty-two engagements of various magnitude.

At the outbreak of the Spanish-American war, Colonel Funston, who had been on the lecture platform in favor of Cuban independence,

organized the Twentieth Kansas Regiment, patterning it somewhat after the Rough Riders of Wood and Roosevelt, was elected colonel, and in November, 1898, joined General Merritt at Manila. He led a column in pursuit of Aguinaldo, and with twenty picked men, swam a river, engaged the enemy, and brought away four times his own number as prisoners. Some days later, with forty-five men, he crossed the Rio Grande on a raft, and after a brisk fight drove the enemy from their works; for which feat he was made brigadier-general of volunteers. In a later engagement he was shot through the hand, but led a successful charge. His feat, however, and which brought him great fame, was his capture of Aguinaldo, which he effected by the aid of a few chosen companions and about eighty natives. After a dangerous journey of seven days and nights, the party made Aguinaldo prisoner through a ruse. The capture of that famous chief was virtually the end of the war. Funston was commissioned brigadier-general in the regular army by President McKinley, and later received the congressional medal of honor. In 1909-10 he was commandant of the Army Service School at Fort Leavenworth, Kansas; commanded the Department of Luzon, 1911-13, and the Hawaiian Department, 1913-14; and in January, 1914, was assigned to the command of the Second Division, United States Army, at Texas City, Texas. In the following April he commanded the expedition to Vera Cruz, Mexico, and he served as military governor of that city until the following November. He was promoted to the rank of major general November 17, 1914. In February, 1915, he was appointed commander of the Southern Department, and in March, 1916, he was assigned to the general command of the United States forces along the Mexican border, as well as of the movements of the United States troops in Mexico, in pursuit of Villa.

General Funston was distinctly a man of thought and action, and his life was an eventful one. He was a stalwart republican, was a vigorous writer of articles of political and economic order, and his political faith was that of his father, who represented Kansas in the United States Congress for a period of about fourteen years. It is worthy of mention that in the Alaskan experiences of General Funston he was on the spot where gold was discovered at Dawson City eight years in advance of this discovery. The general was much in demand on the lecture platform, and was the author of a valuable work entitled "Memories of Two Wars." His splendid military career was terminated by his death in 1917, only two months prior to the time when the United States became involved in the great World war.

General Funston was married at Oakland, California, October 25, 1898, to Ida, daughter of Otto and Theresa Blankart. She accompanied the General to Manila, and endeared herself to his soldiers by diligently ministering to the comfort of their wounded comrades.

HENRY W. LAWTON

Lucas County furnished to the Nation one of the most heroic figures of the Spanish-American war as well as of the Philippine war in the person of Henry W. Lawton. He was born in Lucas County on the 17th of March, 1843, and served with credit during the Civil war, after which he entered the regular army. He was commissioned brigadier general in May, 1898, and commanded the Second Division of the Fifth Army Corps in Cuba, where he served in the first battle of the war at El Caney. He was promoted to major general and was in command at Santiago after the surrender.

In December, 1898, he was transferred to the command of an army corps in the Philippines. On these islands he greatly distinguished himself in a number of engagements until killed in the Battle of San Mateo, Luzon, on the 19th of December, 1899. As an evidence of the

regard in which he was held by the public at large, the sum of $100,000 was raised by public subscription and presented to his widow.

ADNA R. CHAFFEE

Adna R. Chaffee, who led a brigade in the Santiago campaign, and was promoted to major-general of volunteers, was born in Ashtabula County April 14, 1842, and died November 1, 1914. He entered the Union Army as private in Troop K, Sixth Cavalry, July 22, 1861, and at the close of the war was a first lieutenant. He had been in service with the regular army over thirty years when the war broke out with Spain.

May 4, 1898, he was commissioned brigadier-general of volunteers, and on July 8th of the same year, a few days after the fall of Santiago, he was advanced to major-general of volunteers. Subsequently in the regular service he was made colonel of the Eighth United States Cavalry, May 8, 1899; major-general, February 4, 1901, and lieutenant-general, January 9, 1904.

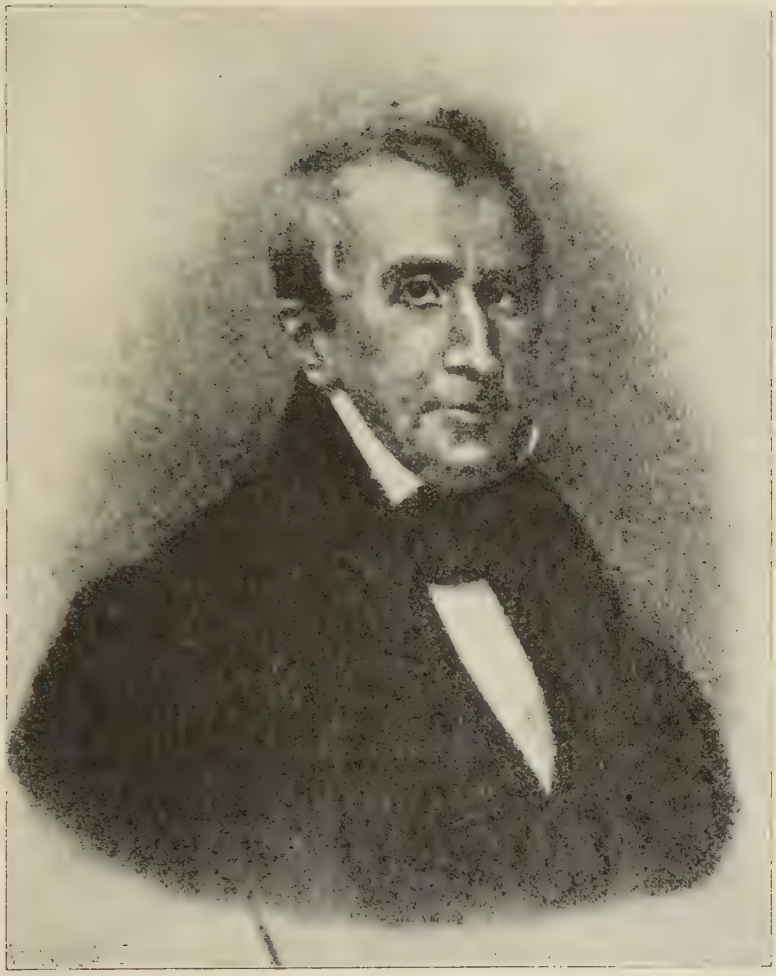
General Chaffee was assigned duty at western posts almost continuously for thirty years after the Civil war. In the Spanish-American war he commanded the Third Brigade, Second Division, Fifth Army Corps, from June to August; the Second Division, Fifth Corps, in August and September, the First Division, Fourth Corps, in November-December, 1898; and from December 25, 1898, to May, 1900, was chief of staff, Division of Cuba.

General Chaffee is perhaps best remembered as commander of the American contingent at Peking, China, during the Boxer rebellion. He was commander of this expedition from June 24, 1900, to May, 1901. Subsequently he commanded the Division of the Philippines, the Department of the East, was chief of staff of the United States Army from January 9, 1904, to February 1, 1906, when he retired at his own request after more than forty years of service.

WILLIAM HENRY HARRISON

William Henry Harrison, ninth president of the United States, born at Berkeley, Charles City County, Virginia, February 9, 1773, son of Governor Benjamin and Elizabeth (Bassett) Harrison. He made good use of his father's excellent library, preparing himself for admission to Hampden-Sidney College, from which he was graduated, then taking up the study of medicine in Philadelphia under the guardianship of Robert Morris. He was attracted by the western emigration and desired to enter the army for clearing the way for emigrants. The objections of his guardian were only overruled through the influence of President Washington, who commissioned the young man (April, 1791) ensign in the First United States Artillery Regiment, then stationed at Fort Washington, the site of the future City of Cincinnati, Ohio, the key to the southwest region, practically in Spanish possession and unexplored. General Wayne was attracted to him and made him lieutenant of the detachment that built Fort Recovery on the ground of St. Clair's defeat, and he was commended in general orders for his "excellent performance of a perilous duty." At the battle of the Maumee, or Fallen Timbers (August 20, 1794), General Wayne said of him that "by his conduct and bravery he excited the troops to press to victory." In 1795 he was promoted to captain and placed in command of Fort Washington.

In 1798 President Adams made him secretary of the Northwestern Territory under Governor St. Clair, and he resigned his military commission. He was frequently acting governor during St. Clair's absences, and resigned in October, 1799, having been elected to Congress as one of the first two territorial delegates. In Congress he secured the subdivision of the public lands into small tracts in the interest of bona fide



W. H. Harrison

settlers and to the disappointment of speculators. When the Territory of Indiana was formed, he was appointed governor by President Adams and was reappointed by Jefferson and Madison. The authority granted him was extensive. He appointed all civil officers and all military officers under the rank of general and held the pardoning power as well as supreme authority to treat with the Indians. In 1803 the immense Louisiana territory was added to his jurisdiction. His sterling integrity was evidenced by the fact that with unlimited opportunities for speculation, he would not take a single foot of public land and he refused the proffered gift by the people of St. Louis of one-third of the site upon which the city was subsequently laid out. When the Indians became troublesome in 1811, he held an unsuccessful conference with them at Tippecanoe, and having reported to Washington, was authorized to force them into submission. With 1,000 regular troops and militia, he built Fort Harrison, near the present City of Terre Haute, Indiana, and with part of the force marched toward the Indian village. He was attacked by Tecumseh and his band while in camp at night, but he defeated them and was highly complimented by the President. When the War of 1812-14 opened, the Indians sided with the British who had taken possession of Detroit. The Kentucky Legislature commissioned Harrison major-general, though he was not a resident of the state, and he proceeded with the troops furnished him, but was unable to reach Hull, who had surrendered. On September 2, 1812, he was commissioned brigadier-general, and on returning to Vincennes he was appointed to the command of all troops in the Northwest. After an active but futile campaign, he journeyed to Cincinnati to obtain supplies. He was commissioned major-general March 2, 1813. He held Fort Meigs against two severe attacks and after Perry's naval victory on Lake Erie, led his troops on an expedition into Canada, overtaking the British and Indians in the battle of the Thames, capturing the entire British force and killing Tecumseh and dispersing his band. This battle ended the war in Upper Canada and Harrison was the popular hero. In 1813 he resigned his military commission on account of an affront from the secretary of war. He was Indian commissioner in 1814-15 and member of Congress from Ohio, 1816-19. In Congress he advocated a general militia bill, which was defeated, but his bill for the relief of soldiers of the late war was passed. He was a state senator in 1820-21; was defeated for Congress in 1822, and a presidential elector on the Clay ticket in 1824. He was elected United States senator in 1825, succeeded Andrew Jackson as chairman of the Military Affairs Committee, and resigned in 1828 to accept the position of minister to Colombia under appointment by President John Quincy Adams, but was soon recalled through the influence of General Bolivar. He retired to his farm at North Bend, Ohio, and served as president of the County Agricultural Association and as clerk of the Common Pleas Court at Cincinnati. He was a Jeffersonian republican in politics and when the whig party was formed in 1834, he joined it professing states' rights views on the bank, tariff and internal improvements. In 1835 he was nominated for president by some of the whig legislatures in the western and middle states, but he was defeated by Van Buren, the democratic nominee. He was the successful candidate and was elected four years later, after one of the most exciting canvasses in the history of the country, in which "the log cabin," "hard cider," "Tippecanoe and Tyler too" campaign cries were heard through the land. He was iaugurated March 4, 1841, selected his cabinet and on March 17 called an extra session of Congress to take up financial questions. Not believing in the power of Congress to create corporations in the states, he had in mind a bank of the District of Columbia, branching with state assent. The trials of his position and the apprehension of a breach with Henry Clay, the leader of the whigs in Congress, brought on an attack of pneumonia of which he died April 4. His wife had not yet taken up her residence in the White House and

was not present at his death. His body lay temporarily in the congressional burying ground at Washington City and was later removed to North Bend, Ohio. President William H. Harrison married in 1795, Anna, daughter of Col. John Cleves Symmes, founder of the Miami, Ohio, settlement and United States judge, district of New Jersey.

RUTHERFORD B. HAYES

Rutherford Birchard Hayes, nineteenth President of the United States, was born in Delaware, Ohio, October 4, 1822, son of Rutherford and Sophia (Birchard) Hayes. His father had died in July, 1822, leaving the mother in moderate circumstances.

The son received a common school training, studied the classics, attended an academy at Norwalk, Ohio, and in 1837 was sent to Connecticut to Isaac Webb's preparatory school at Middletown where he was fitted for college. He was graduated at Kenyon College, Gambier, Ohio, 1842, valedictorian of his class, and received his A. M. degree in 1875. He was graduated at Harvard, LL.B. in 1845, was admitted to the Ohio bar the same year, practiced at Lower Sandusky and in 1849 removed his law office to Cincinnati where he was city solicitor, 1858-61.

On June 7, 1861, Governor Dennison commissioned him major of the Twenty-third Regiment, Ohio Volunteers, and in July he led the regiment into West Virginia. He was judge-advocate of the Department of Ohio, September and October, 1861; was promoted to lieutenant-colonel of the regiment, October 24, 1861; and saw active service in the field, 1861-62. At the battle of South Mountain, September 14, 1862, he led a charge, held his position, though severely wounded, and relinquished his command only when carried from the field. He was promoted to colonel, October 24, 1862, and on recovering resumed command of the regiment in the field. He commanded two regiments with artillery against Morgan at the time of his raid in Ohio and prevented his escape across the river, which action compelled the surrender of the Confederate leader. He commanded a brigade in General Crook's division in the expedition to cut off communication between Richmond and the Southwest in the spring of 1864; and distinguished himself at Cloyd Mountain, Virginia, May 9, 1864, in storming a fortified Confederate position. He was conspicuous in the engagement at Berryville, Virginia, September 3, 1864, and at Winchester, September 19, 1864, he led an assault upon a battery across a morass; his horse mired, he found himself alone in front of the battery, but waving his cap, he signaled his men to follow, and with forty of the first to reach the battery, he led in an assault resulting in a hand to hand encounter, which caused the Confederate gunners to desert their guns and flee. He commanded the Second Division, Army of West Virginia, under Gen. George Crook at the battle of Fisher's Hill, routing the enemy and capturing their artillery. At Cedar Creek, October 19, 1864, his action secured his commission of brigadier general at the request of General Crook. He was brevetted major-general of volunteers, March 13, 1865, for gallant and distinguished services during the campaign of 1864 in West Virginia and particularly at the battles of Fisher's Hills and Cedar Creek, Virginia.

The military record of Rutherford B. Hayes was a brilliant one. He was wounded six times in battle and had four horses shot under him. With the exception of James Monroe he was the only soldier elected President of the United States, who had been wounded in battle.

In 1864 General Hayes was elected to the Thirty-ninth Congress, taking his seat December 4, 1865. In this Congress he favored the reconstruction measures of the republican party; maintained the sacredness of the public debt and opposed repudiation in any form; commended President Johnson for refusing presents; opposed the increase of pay of representatives; and framed a constitutional amendment fix-

Rutherford B. Hayes

ing representation upon voters rather than on population. He was re-elected to the Fortieth Congress and supported the impeachment of President Johnson. He was elected Governor of Ohio in 1867, his opponent being Allen G. Thurman, and he was re-elected in 1869 against George H. Pendleton. He declined in 1873 to oppose John Sherman in a contest for United States senator, although assured of success by the help of promised democratic votes. In 1872 he declined a nomination as representative in the Forty-third Congress but was nevertheless nominated, and after making a vigorous canvass, was defeated. President Grant named him as United States assistant treasurer at Cincinnati, which office he declined. In 1873 he removed to Fremont, Ohio, intending to retire from public life. In 1875 the republican state convention, in order to stay the effect of the Greenback success of the last gubernatorial election, called on him as the ablest representative of sound money to take the nomination of the party for governor, and much against his inclination, he made the canvass with Governor William Allen, the incumbent, as his opponent. The canvass involved national questions, each side being supported by the ablest speakers from other states. In addition to the greenback question, the division of the school fund between Roman Catholic and Protestant schools was made an issue, and ex-Governor Hayes advocated secular education. He carried the state by 5,500 majority. As an advocate of sound currency, and opposed to an unlimited issue of government paper money, he became a conspicuous figure in national politics. The republican state convention of Ohio named him as its choice for president in the republican national convention. When that convention met at Cincinnati, June 14, 1876, his name was presented, as were the names of James G. Blaine, Oliver P. Morton, Benjamin H. Bristow, Roscoe Conkling and John H. Hartranft. On the first ballot he had sixty-one votes, and on the seventh ballot the opposition to Mr. Blaine gave him the nomination, which was made unanimous. The democratic party made Samuel J. Tilden its candidate, and his record as Governor of New York gave him the support of many dissatisfied republicans. The result of the election was a question of long and bitter contest. The electoral votes of Louisiana, South Carolina and Florida were in dispute and fraud was charged on both sides. The canvassing boards of the states in dispute were visited by statesmen from Washington representing both parties and all blinded in a measure by political prejudices. A double set of certificates of election were sent to Washington, one by the governors of the states who were republicans and the other by the democratic governors who claimed to have been elected but kept out of office by the Federal Government under the reconstruction act and the presence of Federal soldiers. The two sets of certificates certified to two different sets of electors. To avoid a deadlock, should the election be referred to Congress, an electoral commission of five senators, five representatives and five judges of the United States Supreme Court was created by a special act of Congress, advocated by both parties, the decision of this commission to be final. The commission refused to go behind the certificates of the governors, and decided in each contested case, by a vote of eight republicans to seven democrats, in favor of the republican electors. The electoral vote, as decided by the electoral commission, was 185 for Hayes and Wheeler, and 184 for Tilden and Hendricks. Mr. Hayes was privately sworn into office as president on Saturday, March 3, 1877, and he was publicly inaugurated Monday, March 5, 1877. He at once proceeded to satisfy the Southern states by withdrawing from them the Federal troops and leaving the local government to the people in the two disputed states then under a dual government. The troops were withdrawn from the state house at Columbia, South Carolina, April 10, 1877, and Wade Hampton, democrat, was acknowledged to be the duly elected governor; and from the state house of Louisiana, April 20, 1877, Francis T. Nichols, democrat, was

recognized as governor. This course, while heartily approved by the democrats, was severely criticized by the republicans, who thus lost the votes of the southern states. In the appointment to office, with the exception of a few members of the Louisiana returning board, his policy was to regard the views of the advocates of civil service and his appointments were generally very acceptable. Competitive examinations were instituted and applications were considered irrespective of partisan control. On May 5, 1877, President Hayes called Congress in extra session to meet October 5, 1877, to make necessary appropriations for the support of the army. In July, 1877, he suppressed railroad riots caused by a strike, on application from the governors of West Virginia, Maryland, Pennsylvania and Illinois, by sending United States troops to the several points of disturbance after issuing his proclamation ordering the rioters to disperse. In his message to Congress, December 3, 1877, he congratulated the country on the peaceable and prosperous condition of affairs in the southern states; recommended the payment of government bonds in gold; favored the limited coinage of silver; insisted that the Constitution imposed upon the Executive the sole duty and responsibility of the selection of Federal officers. He recommended that Congress make a suitable appropriation for the use of the civil service commission and the passage of laws to protect the forests on lands of the United States, but these recommendations were disregarded. He vetoed the silver bill, passed by both houses, on the ground that the commercial value of the silver dollar was then less than its nominal value and that its use in the payment of debts already contracted would be an act of bad faith; the bill was passed over his veto by a two-thirds majority. In his annual message of December 1, 1879, he congratulated the country on the return to specie payment and urged upon Congress the suspension of silver coinage, fearing that the cheaper coin would eventually become the sole standard of value; and recommended the retirement of United States notes with the capacity of legal tender in private contracts. In his last annual message, December 6, 1880, President Hayes again urged civil service reform, competitive examinations for applicants for positions in the larger post-offices, custom houses and in the executive departments; for a law against political assessments; and suggested that an act be passed, "defining the relations of members of Congress with regard to appointments to office by the President"; that the tenure of office bill be repealed; and that a provision be made to place General Grant on the retired list of the army, with rank and pay befitting his great services. On March 4, 1881, he assisted in the inauguration of James A. Garfield, as president, and then retired with his family to Fremont, Ohio, and devoted much of his time to benevolent enterprises.

He was president of the trustees of the John F. Slater Education Fund; president of the National Prison Reform Association and an active member of the National Conference of Corrections and Charities; a trustee of the Western Reserve University, of the Ohio Wesleyan University, and of various other institutions, educational and charitable. In army organizations he was senior vice commander of the Military Order of the Loyal Legion and commander of the Ohio commandery of the same order; the first president of the Society of the Army of West Virginia and president of the Twenty-third Regiment, Ohio Volunteer Association. He received the degree of LL.D. from Kenyon College in 1868, from Harvard University in 1877, from Yale University in 1880, and from Johns Hopkins University in 1881. He died in Fremont, Ohio, January 13, 1893.

"The Life of Rutherford Birchard Hayes," in two volumes, by Charles Richard Williams, and "The Diary and Letters of Rutherford Birchard Hayes," edited by the same author, present a sympathetic record of his career from boyhood and faithfully reflect the spirit and much of the history of the times through which he lived.

JAMES ABRAM GARFIELD

James Abram Garfield was born in Orange Township, Cuyahoga County, Ohio, November 19, 1831, son of Abraham and Eliza (Ballou) Garfield. The father was descended from Edward Garfield, who came from England in 1636 to Massachusetts. Abraham Garfield settled in Ohio where his son, James Abram Garfield, was born in a log cabin of but one room. He died when James was but two years old and the mother continued to work the farm with the aid of her ten year old son, Thomas.

As soon as large enough, the future president took his share of farm labor, interspersed with driving a team on the canal tow path and in winter attending the district school. At the age of seventeen he began attending the Geauga Seminary, remaining two sessions and then teaching a school. In 1850 he again attended the seminary, then teaching another winter. From 1851 to 1854 he was a student at the Western Reserve Eclectic Institute, paying his way by teaching and then entering Williams College, from which he was graduated in 1856. He taught penmanship in Pownal, Vermont, one winter and in 1856 was called to the institute from which he had graduated as instructor in ancient languages and literature and in the following year was called to the presidency, meantime entering upon private law studies. This institution, under charge of the Disciples (Campbellites), later (1867) became known as Hiram College. While president of the institute he sometimes preached for that denomination.

The public career of James Abram Garfield may be said to have begun in 1856, when he allied himself with the republican party at its formation and took the stump for its first presidential candidate, John C. Fremont. In 1860 he was elected to the State Senate and in 1861 was admitted to the bar. He left both his senatorial and professional pursuits at the outbreak of the Civil war to take the lieutenant-colonelcy of the Forty-second Ohio Infantry regiment, which he had mainly recruited from the alumni of educational institution over which he had presided. He brought the regiment to a high condition of efficiency and became its colonel just before taking the field. In December, 1861, he reported it to General Buell at Louisville, who placed Colonel Garfield at the head of a brigade with which he aided in expelling Humphrey Marshall from the state after a sharp battle at Middle Creek, Kentucky, and for which Colonel Garfield was made brigadier-general. With his brigade he reached General Grant at Shiloh on the second day of the battle in which he took part. After further operations in Tennessee, he was invalided for a short time, and then served upon the courtmartial in the case of Gen. Fitz John Porter. He reported to General Rosecrans, commanding the army of the Cumberland in February, 1863, and was made chief of staff to that officer. He advised a general advance against the written opinions of sixteen of the general officers and the advance was ordered. General Garfield wrote for his chief all the orders for the battle of Chickamauga, except that by which the battle was lost. He made a hazardous ride to General Thomas at some distance and his information enabled that commander to save the army of the Cumberland. Garfield was rewarded with promotion to major-general of volunteers "for gallantry on the field that was lost." He declined the command of a division under General Thomas to enter Congress in December, 1863, having been elected while he was in the field.

In Congress General Garfield came to the front rank. Placed on the Committee on Military Affairs, he advocated the confiscation of property belonging to rebels, opposed bounties to raw recruits, and made an exhaustive speech in support of the constitutional amendment abolishing slavery. He was reelected to Congress and was placed on the Ways and Means Committee, where he took a leading part in favor of the resumption of specie payment. He was returned by successive reelec-

tions. In the 40th Congress he was chairman of the Committee on Military Affairs; chairman of the newly made Committee on Banking and Currency in the 41st Congress; chairman of the Committee on Appropriations in the 42nd and 43rd Congresses and, in the 44th, 45th and 46th Congresses, under democratic control, was placed on the Ways and Means Committee. He opposed the electoral commission of 1877, but in company with others at the request of President Grant had gone to New Orleans to witness the counting of the Louisiana vote for president, and he discussed the Florida and Louisiana election returns before the commission. In the same year he became the republican leader in the House.

In January, 1880, General Garfield was elected to succeed Allen G. Thurman in the United States Senate. In June, in the Republican National Convention in Chicago, he was nominated for president on the

James A. Garfield

36th ballot after an exciting contest in which John Sherman, James G. Blaine and General Grant were candidates. He took the stump in his own behalf in Ohio, New York and elsewhere, largely adding to his popularity, notwithstanding changes of venality in the Credit Mobilier case, which charges were not substantiated. At the election he carried every northern state except New Jersey, Nevada and California over General Hancock, democrat; James B. Weaver, greenbacker, and Neal Dow, prohibitionist. He was inaugurated March 4, 1881, and formed his cabinet with James G. Blaine at its head as secretary of state. He was soon confronted with difficulties. Certain of his appointments in New York were obnoxious to Senators Conkling and Platt, who resigned their seats in May, whereupon the Senate confirmed the disputed appointments. The blind partisanship of a disappointed office seeker who imagined that through the removal of the President, his successor, Chester A. Arthur, would prefer him, led Charles Jules Guiteau to shoot the President in the Washington railway station as he was on his way to attend the commencement exercises at Williams College. In the White House and later at Elberon, New Jersey, the President lingered, the subject of earnest solicitation of a nation forgetful of party strife, from the day of the attack, July 2, 1881, until September 19, when he died. His body lay in state in the National Capitol two days and was then

conveyed to Ohio and interred in Lake View Cemetery, where a sorrowful nation afterward erected an imposing monument at a cost of $155,000, provided by popular subscription.

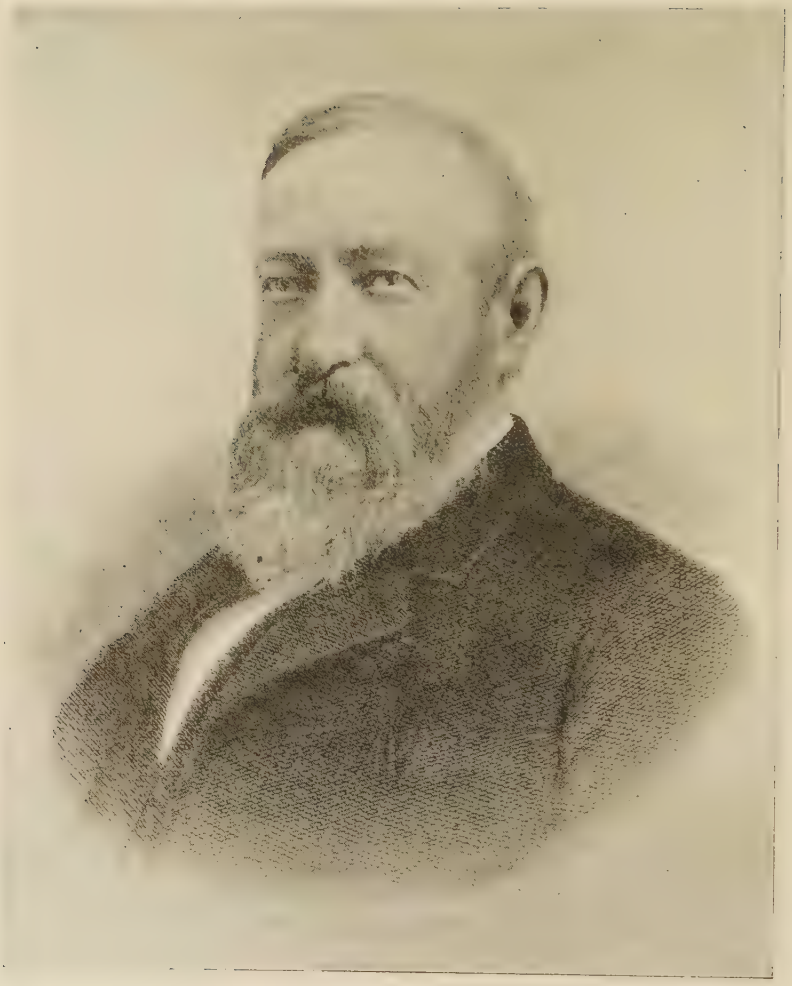
The public utterances of the assassinated President have become a part of the standard literature of the world and his historic impromptu speech pronounced from the balcony of the New York custom house when the murder of President Lincoln stirred the nation to its depths, lifted the pall and comforted a stricken people, as they listened to the faith inspiring words: "God reigns and the government at Washington lives." He was a trustee of Williams College, 1880-81; a trustee of Bethany College, West Virginia, and of Hiram College, Ohio; and a regent of the Smithsonian Institution. He received the honorary degree, Doctor of Laws, from Williams College in 1872 and from the University of Pennsylvania in 1881. See "Early Life and Public Career of James A. Garfield," by James S. Brisbane; "Life of James A. Garfield," by Charles Carleton Coffin; "Life and Public Services of James A. Garfield," by Maj. J. M. Bundy; "Life, Speeches and Public Services of James A. Garfield," by Russell H. Crowell; "Life and Public Service of James A. Garfield," by Frank H. Mason; "A Full History of Gen. James A. Garfield's Public Life and Other Political Information," by B. A. Hinsdale, president of Hiram College, in two volumes; and "Garfield, the Ideal Man," by J. O. Converse.

BENJAMIN HARRISON

Benjamin Harrison, twenty-third President of the United States, was born at North Bend, Ohio, August 20, 1833, son of John Scott and Elizabeth (Irwin) Harrison; grandson of William Henry and Anna (Symmes) Harrison; and great-grandson of Benjamin Harrison, signer of the Declaration of Independence. His father was a representative from Ohio in the Thirty-third and Thirty-fourth Congresses.

Benjamin Harrison was reared on the paternal farm of 400 acres on the Ohio River, near the mouth of the Big Miami, where he was accustomed to farm work. He attended school in a log schoolhouse; in 1848-1849 studied at Farmers College, College Hill, near Cincinnati, Ohio, and was graduated from Miami University, Bachelor of Arts, 1852, and Master of Arts, 1855. He was admitted to the bar in 1854 and practiced law in Indianapolis, 1854-1889. He was reporter of the Supreme Court of Indiana, 1860-1862, and again in 1865-1868. He entered the army July 14, 1862, as second lieutenant of Company A, Seventieth Regiment, Indiana Volunteers; was promoted to captain, July 22, and colonel, August 7, 1862; was in command of his regiment to August 20, 1863; of brigade, Third Division, Reserve Corps, to about September 20, 1863; again of his regiment to January 9, 1864; of the first brigade, First Division, Eleventh Corps, to April 18, 1864; of his regiment to June 29, 1864; on special recruiting service in Indiana, and in command of the first brigade, Provisional Division, Army of the Cumberland, to January 16, 1865; and in command of the first brigade, Third Division, Twentieth Corps, to June 8, 1865. He was brevetted brigadier general of volunteers, January 23, 1865, for ability and manifest energy, and gallantry in command of brigade. He commanded the Seventieth Regiment, Indiana Volunteers, in the Battles of Russellville, Kentucky, September 30, 1862; Resaca, Georgia, May 13-16, 1864; Cassville, Georgia, May 24, 1864; New Hope Church and Dallas, Georgia, May 25, 28, 1864; and at Kenesaw Mountain, June 29 to July 3, 1864; Peach Tree Creek, July 20, 1864; and at the siege of Atlanta, July 21 to September 2, 1864; at the Battle of Nashville, Tennessee, December 15, 16, 1864; and at the surrender of General Johnston at Durham Station, North Carolina, April 26, 1865.

General Harrison was the unsuccessful republican candidate for governor of Indiana in 1876; was by the appointment of President



Benjamin Harrison

Hayes a member of the Mississippi River Commission, 1879-1880; was chairman of the state delegation to the Republican National Convention of 1880, and when his name was presented as a candidate for President he insisted that it be withdrawn. He canvassed the state for Garfield and declined a cabinet appointment from the incoming president. In 1881 he was elected United States Senator for a full term as successor to J. E. McDonald, and was chairman of the committee on territories. In 1888 he received the nomination for President of the United States from the Republican National Convention at Chicago, and at the election in November he received 5,440,216 of the popular votes to 5,538,233 for Grover Cleveland, and at the meeting of the electoral college in 1889 he received 233 electoral votes to 168 for Cleveland. He was inaugurated March 4, 1889.

President Harrison arranged for an arbitration of the differences between the United States and England in reference to the killing of seal in the Bering Sea; for the Pan American Congress held in Washington in the winter of 1889-1890 in which South and Central American countries were represented and a system of reciprocity in trade established; signed the acts for the admission of the Territories of North Dakota, South Dakota, Washington, Montana, Idaho and Wyoming as states; secured the extinguishment of Indian titles to vast tracts of land formerly claimed by the Indians through commissioners appointed under the direction of the secretary of the interior and which secured the Territory of Oklahoma; quelled the Indian disturbances in the Northwest, 1890-1891; and defined in a message to Congress the rights of aliens to the protection of the United States Government, in connection with the demand of the Italian government for the redress and indemnity for loss caused by the lynching of Italian residents of New Orleans, Louisiana. He was renominated by the Republican National Convention of 1892 at Minneapolis, and in the general election in November, 1892, received 5,176,108 of the popular votes, Ex-President Cleveland receiving 5,556,918 votes. In the electoral college Mr. Cleveland received 277 votes to 145 for Mr. Harrison.

On retiring from the presidency March 4, 1893, Benjamin Harrison resumed the practice of law in Indianapolis. In 1898 he was chief counsel for Venezuela in the boundary dispute between that country and Great Britain. In 1899 he was a member of The Hague Arbitration Commission.

He was married, October 20, 1853, to Carolina Lavinia, daughter of Prof. John W. Scott of Oxford, Ohio. She died in Washington, D. C., October 25, 1892. He was married in April, 1896, to Mrs. Mary Lord Dimmick. He died in Indianapolis, Indiana, March 13, 1901.

Benjamin Harrison was author of "This Country of Ours." Soon after his death, was published "Views of an Ex-President," by Benjamin Harrison. This is a collection of "his addresses and writings on subjects of public interest" after the close of his administration. The work was compiled by his widow.

WILLIAM McKINLEY

William McKinley, twenty-fifth president of the United States, was born in Niles, Ohio, January 29, 1843, son of William and Nancy Campbell (Allison) McKinley; grandson of James and Mary McKinley and of Abner and Ann (Campbell) Allison; great-grandson of David and Hannah C. (Rose) McKinley and of Andrew Rose, an ironmaster of Bucks County, Pennsylvania, who was sent home from the Revolutionary army to make cannon and bullets; great-great-grandson of John and Margaret McKinley and great-great-great-grandson of David and Esther McKinley, who came from Dervock House, County Antrim, Ireland, to New Castle, Delaware, in 1743.

William McKinley attended Union Seminary, Poland, Ohio, until 1860, when he entered the junior class of Allegheny College, Meadville, Pennsylvania, but before closing his class year was obliged to leave on account of a severe illness. He then taught a district school and was clerk in the Poland postoffice. On June 11, 1861, he enlisted as a private in Company E, 23rd Ohio Volunteer Infantry, Rutherford B. Hayes being lieutenant-colonel of the regiment. He was inspected and mustered in by Gen. John C. Fremont, served in Western Virginia and saw his first battle at Carnifex Ferry, September 10, 1861. On April 15, 1862, he was promoted to commissary sergeant while in camp at Fayetteville, Western Virginia. He served in the battle of Antietam with such conspicuous gallantry as to win promotion to the rank of second lieutenant. On February 7, 1863, he was made first lieutenant and on July 25, 1864, was raised to the rank of captain for gallantry

William McKinley

at the battle of Kernstown, July 24, 1864. He served successively on the staffs of Generals Hayes, Crook and Hancock and his engagements after Carnifex Ferry were: Clark's Hollow and Princeton, West Virginia; South Mountain and Antietam, Maryland, and Buffington Island, Ohio, in Morgan's raid, July 19, 1863; Cloyd's Mountain, West Virginia; New River Bridge, Buffalo Gap, Lexington, Buchanan, Otter Creek, Buford's Gap, Kernstown, Berryville, Winchester, Fisher's Hill and Cedar Creek, all in Virginia. He was brevetted major March 13, 1865, for gallantry at Opequon, Cedar Creek and Fisher's Hill and was serving as acting assistant adjutant-general on the staff of Gen. Samuel S. Carroll, commanding the First Division, First Corps, at Washington, D. C., when he was mustered out with his regiment, July 26, 1865.

He returned home and studied law at Youngstown, Ohio, and at Albany Law School in 1866-67; was admitted to the Ohio bar at Warren in March, 1867, and settled in practice at Canton, Ohio. He was elected by the republicans of Stark County as prosecuting attorney, serving in 1870-71, but was defeated for reelection. He was elected to the 45th Congress, 1877-79, defeating Leslie L. Lanborn; in the 46th Congress, 1879-81, defeating Gen. Aquila Wiley; and in the 47th Congress, 1881-83, defeating Leroy D. Thomas. His party claimed

that he was elected to the 48th Congress in 1882 by a majority of eight votes and he was given the certificate of election, but his seat was successfully contested by Jonathan H. Wallace, who was seated. Mr. McKinley was elected in 1884 to the 49th Congress, 1885-87, and was elected to the 50th and 51st Congresses, serving from 1887 to 1891, but was defeated in 1890. Changes in the congressional districts were made by the democrats out of political expediency and Mr. McKinley, while always a resident of Stark County, was obliged to meet the conditions caused by the combinations of contiguous counties in the efforts of the opposition to defeat him. He was appointed by Speaker Randall in 1877 to the Judiciary Committee and succeeded James A. Garfield on the Ways and Means Committee in December, 1880. In the 45th Congress he was appointed on the House Committee of Visitors to the United States Military Academy and in 1881 he was chairman of the committee having in charge the Garfield memorial exercises in the House. In Congress he supported a high protective tariff, making a notable speech on the subject, April 6, 1882; and his speech on the Morrison tariff bill, April 30, 1884, was said to be the most effective argument made against it. On April 16, 1890, as chairman of the Committee on Ways and Means and successor to Judge Kelly, he introduced the general tariff measure, afterwards known by his name, and his speech in its support fully established his reputation as a statesman and an orator. Among his notable congressional speeches not already mentioned are: "Arbitration as a Solution of Labor Troubles," April 2, 1886; his reply, May 18, 1888, to Representative Samuel J. Randall's argument in favor of the Mills tariff bill of which millions of copies were circulated by the manufacturing interests of the country; his speech of December 17, 1889, introducing the customs administration bill to simplify the laws relating to the collection of revenue, and his forceful address sustaining the civil service laws, April 24, 1890. On the organization of the 51st Congress he was a candidate for speaker, but was defeated in the republican caucus on the third ballot by Thomas B. Reed. In 1880 he was chairman of the republican state convention and was chosen by the Republican National Convention at Chicago in June, 1880, as the Ohio member of the Republican National Committee. In this capacity, during the canvass of Garfield and Arthur, he spoke with General Garfield in the principal northern and western states. He was delegate-at-large from Ohio to the Republican National Convention at Chicago in 1884; was a member of the Committee on Resolutions, read the platform to the convention and supported the candidacy of James G. Blaine. During the canvass that year he spoke with the republican candidate in his celebrated western tour and afterward in West Virginia and New York. In the Republican National Convention at Chicago in 1888, he was again a delegate-at-large from Ohio and as chairman of the Committee on Resolutions again reported the platform to the convention and supported the candidacy of John Sherman, although there was a strong effort to have him consent to the use of his own name as a candidate. In the Republican National Convention at Minneapolis in 1892, he was for the third time a delegate-at-large from Ohio and was elected permanent chairman of the convention. He advocated the renomination of President Harrison; received 182 votes for the presidential nomination but refused to consider the action of his friends; left the chair and moved that the nomination of President Harrison be made unanimous and was chairman of the committee to notify the president of his renomination. He took an active part in the presidential campaign traveling over 16,000 miles and averaging seven speeches a day for a period of over eight weeks during which time it was estimated that he addressed 2,000,000 voters. He was governor of Ohio from 1892 to 1896. As governor his sympathies were with the laboring men in their contests with capitalists, and he recommended to the legislature additional protection to employees of railroads.

During his second administration he was obliged to call out 3,000 of the national guard to suppress threatened labor riots and he was able to prevent what appeared to be inevitable mob violence attended by lynching. He also personally supervised the distribution of funds and provisions to the starving miners in the Hocking Valley. When the Republican National Convention met at St. Louis, June 16, 1896, his name was again before the convention, and on the first ballot he received 661½ votes to 84½ for Thomas B. Reed of Maine, 60½ for Matthew S. Quay of Pennsylvania, 58 for Levi P. Morton, and 35½ for William B. Allison of Iowa. During the presidential canvass of 1896 he remained in Canton and received thousands of visitors from all parts of the Union, Mr. McKinley speaking on such occasions over three hundred different times. He was elected president in November, 1896, and was formally announced by the Electoral College as the choice of that body for President of the United States by a vote of 271 to 176 for William J. Bryan. He was inaugurated March 4, 1897, Chief Justice Fuller administering the oath of office.

President McKinley called an extra session of Congress for March 15, 1897, and the Dingley tariff bill was passed and became a law July 24, 1897. On May 17 he sent to Congress a special message asking for an appropriation for the aid of suffering American citizens in Cuba and secured $50,000 for that purpose. The treatment of the Cuban patriots aroused the sympathies of the people of the United States and the demands of the United States minister at Madrid for more humane treatment were disregarded. The destruction of the United States cruiser Maine in Havana harbor February 15, 1898, resulting in the death of 264 United States officers and men and the wounding of sixty others, aggravated the condition of affairs, and on March 8-9, 1898, Congress authorized the raising of two new regiments of artillery; voted $50,000,000 for national defense, placing the amount in the hands of the President for disposal at his discretion, and authorized the contingent increase of the army to 100,000 men. On March 23, 1898, the President sent his ultimatum to Spain respecting the treatment of the Cubans, and on March 28 he officially reported to Congress the destruction of the United States battleship Maine. He advised Congress not to recognize the Cuban government but advocated intervention to put a stop to Spanish cruelty. On April 13, 1898, Congress gave the President full authority to act in the matter of the difficulties with Spain and on April 16 passed a resolution acknowledging Cuban independence. The President signed the joint resolutions of Congress declaring the people of Cuba free and directing the President to use the land and naval forces of the United States to compel Spain to withdraw from the island. On April 23 a call for 125,000 volunteers was issued by the President. On April 24 Spain declared war against the United States and the next day the President recommended a formal declaration of war by Congress and issued a call for 75,000 more volunteers.

Under his administration the War with Spain was prosecuted with vigor and speedily brought to a triumphant conclusion. It lasted only 100 days. The major results were the freedom and independence of Cuba, the transfer of Porto Rico and the Philippines to the United States and a better feeling between the North and the South whose sons, under the stars and stripes, achieved a succession of victories in a chivalrous adventure to extend to an oppressed people the boon of republican institutions.

The President approved the joint resolution of Congress providing for the annexation of Hawaii July 7, 1898, and in the same year he appointed a delegation to represent the United States at the peace conference called by the czar of Russia in 1898 to meet at The Hague in May, 1899.

On March 4, 1900, the President signed the gold standard currency act.

His policy for the preservation of the integrity of China in 1897-1898, the promptness with which he relieved the beleaguered legation at Pekin in the Boxer Rebellion and the immediate withdrawal of the American troops when the object of their advance to the Chinese capital had been attained added to the prestige of the Government abroad and the strength of the President at home.

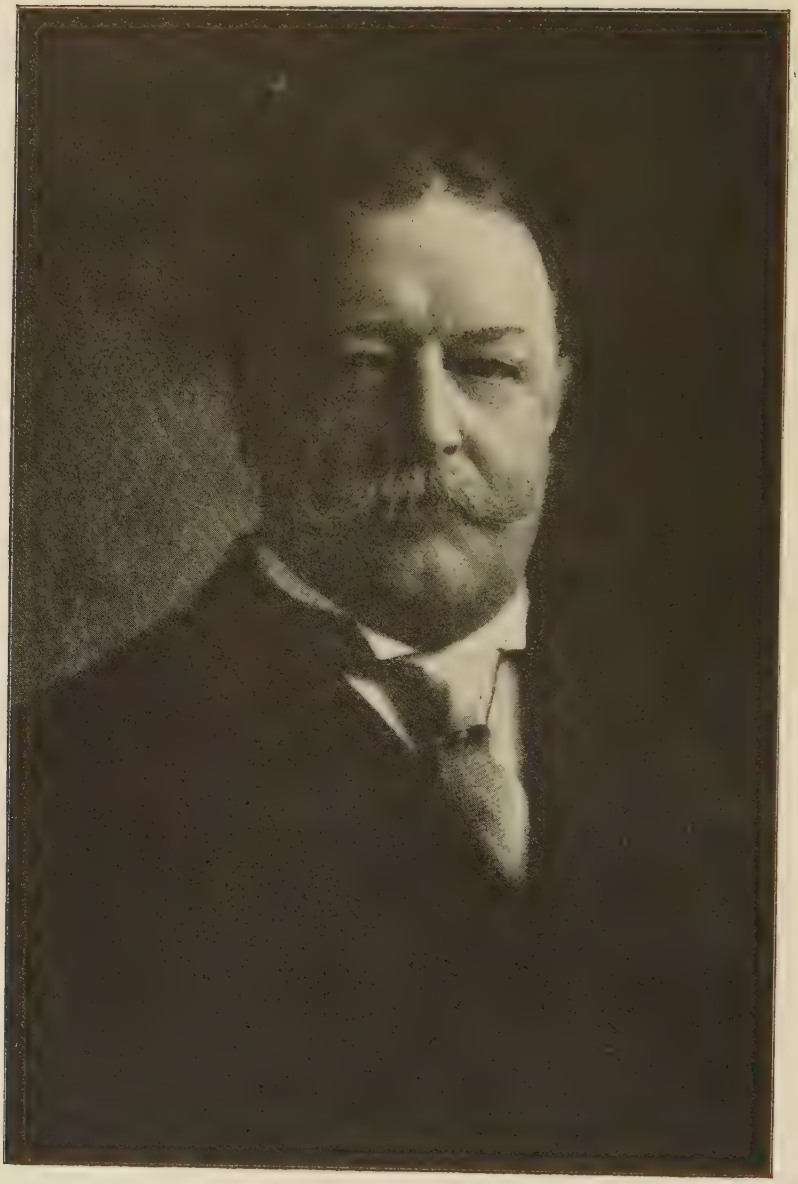
The Republican National Convention at Philadelphia in 1900 gave President McKinley a unanimous vote for renomination for President and Theodore Roosevelt for Vice President, the single vote missing for Roosevelt being his own. In the election of November 6, 1900, President McKinley was re-elected by the largest popular majority that had at that time been given to any presidential candidate, the republican electors receiving 7,206,677 popular votes to 6,374,397 for the Bryan and Stevenson electors, and the electoral vote stood 292 for McKinley and Roosevelt and 155 for Bryan and Stevenson. The successful candidates were inaugurated March 4, 1901, and the President made no changes in his cabinet. He visited California with his wife and members of his cabinet in the spring of 1901, making numerous speeches and receiving enthusiastic welcome from the citizens of the states through which he passed. He was present at the launching of the battleship Ohio in San Francisco Bay and delivered a brief address. He intended to extend the tour to the principal cities of the Northwest, but the serious illness of Mrs. McKinley forced him to Washington after reaching San Francisco. The management of the Pan American exposition at Buffalo, New York, invited the President to visit that city, which he did, accompanied by Mrs. McKinley and his official family. On September 6, while in the midst of a throng assembled in the Temple of Music, he took the hand of one of the men in line in friendly confidence when with the other hand the assassin, one Leon F. Czolgosz, an avowed anarchist, shot the President twice, inflicting a mortal wound. The President was conveyed to the home of John G. Milburn, president of the exposition, whose guests Mr. and Mrs. McKinley were, and lingered till the early morning of September 14, 1901, when at 2:15 he died. Mourned by the republic, which he had served long and devotedly. Ohio's second martyr president met his cruel fate with Christian fortitude, and took his place in history.

WILLIAM HOWARD TAFT

Among the brightest names of the present day stands that of William Howard Taft, whose distinction it has been to serve usefully and honorably in public station almost from the day of his attaining his majority, and dignifying by his integrity and modesty of conduct every position to which he was called.

He was born in Cincinnati, Ohio, September 15, 1857, son of Judge Alphonso and Louise Maria (Torrey) Taft. He would seem to have inherited the peculiarly strong mental qualities of his sire, who was one of the most distinguished men of his day—an accomplished lawyer, eminent jurist, secretary of war and attorney general in the cabinet of President Ulysses S. Grant, and United States minister to Austria and Russia.

William Howard Taft began his education in the public schools of Cincinnati, Ohio, and matriculated at Yale University, from which he was graduated with the degree of Bachelor of Arts in 1878, the year in which he came of age; in 1893 his alma mater conferred upon him the honorary degree of Doctor of Laws. He prepared for his profession in the Cincinnati (Ohio) Law School, from which he graduated in 1880, and was at once admitted to the bar. In the same year he became connected with the press, as law reporter for the Cincinnati Commercial, and this connection was maintained during the following year. In 1881-1882 he served as Assistant Prosecutor of Hamilton County, Ohio.



William H. Taft

In 1882 he was appointed by President Chester A. Arthur to the position of Collector of Internal Revenue for the First Ohio District, but from which he soon resigned to devote himself to the practice of his profession. He served as assistant county solicitor from 1885 to 1887, in which year he became judge of the Superior Court of Ohio, holding that position until 1890, when he was appointed solicitor general of the United States by President Benjamin Harrison. He was judge of the United States Court of Appeals, 1892-1900. From 1896 to 1900 he was dean of the law department and professor of law in the University of Cincinnati. In March, 1900, he became chairman of the commission appointed by President William McKinley to provide for the organization of a civil government for the Philippine Islands. The task was well completed, and on June 1, 1901, Mr. Taft became the first civil governor of this newly acquired territory, and served as such with conspicuous success until February 1, 1904. In 1902 he visited Rome, by direction of President Roosevelt, to confer with Pope Leo XIII with reference to the purchase of agricultural lands in the Philippine Islands belonging to religious orders. In 1903 President Roosevelt proffered him appointment as associate justice of the United States Court, to succeed Judge Shiras. This he declined. On February 1, 1904, he entered the cabinet of President Roosevelt as secretary of war, and served in that capacity until June 30, 1908. During this period he performed duties requiring the utmost delicacy of conduct and wise judgment, and of which he acquitted himself most creditably. He represented the President in Cuba in an effort to adjust the insurrection troubles; and for a short time acted as provisional governor. Later, by direction of the President, he visited Panama, Cuba and Porto Rico, to familiarize himself with conditions and to effect certain reforms; and later he went on a similar mission to Japan and the Philippine Islands. As republican nominee for the Presidency, he was elected in 1908, defeating the democratic candidate, William Jennings Bryan. At the expiration of his term he was renominated, and in the election was defeated by Woodrow Wilson, democrat. After the expiration of his presidential term, Mr. Taft was appointed to the faculty of Yale as Kent professor of law.

For years he was president of the League to Enforce Peace. As a member of the National War Labor Conference Board from April, 1918, during the World war, until the board was dissolved in August, 1919, he rendered a notable service. On June 30, 1921, he was appointed by President Harding and confirmed by the Senate as chief justice of the United States Supreme Court. William H. Taft has therefore the unique distinction of serving the Republic at the head of both the executive and the judicial departments.

Mr. Taft married, June 19, 1886, Helen Herron, daughter of John W. Herron, of Cincinnati, Ohio.

WARREN GAMALIEL HARDING[1]

Since the founding of our Government six Presidents of the United States have died in office. Three of these were native sons of Ohio, and one, William Henry Harrison, when elected to that high office was and for twenty-six years had been a citizen of this state.

Three of the six fell at the hands of assassins, and two of these, Garfield and McKinley, were Ohioans. The passing of all these was attended with widespread and sincere expressions of sorrow. In simple truth it may be said that on no previous similar occasion were the hearts of the nation more generally touched than at the announcement of the death of President Warren G. Harding.

His was a kindly nature with sympathies that reached to all classes

[1]By C. B. Galbreath.

and conditions of men. With his genial personality he united unwavering devotion to principle, tireless patience, constancy of purpose and executive ability that peculiarly fitted him for the high office to which he was called by an overwhelming majority of his countrymen. One editor pays tribute to his "iron hand that wore ever a velvet glove." Behind the smile that was native to his face could be seen the intimation of a will which, when the rare occasion required, was as unyielding as adamant.

Most of the presidents of the United States began life with humble surroundings. Those who now read the early life of Warren G. Harding and his successor, Calvin Coolidge, cannot fail to note the reestablishment of the old order of elevation from rural obscurity to the highest office in the foremost nation of the world. The rapid growth of our great cities has not yet closed that avenue to eminence and enduring fame.

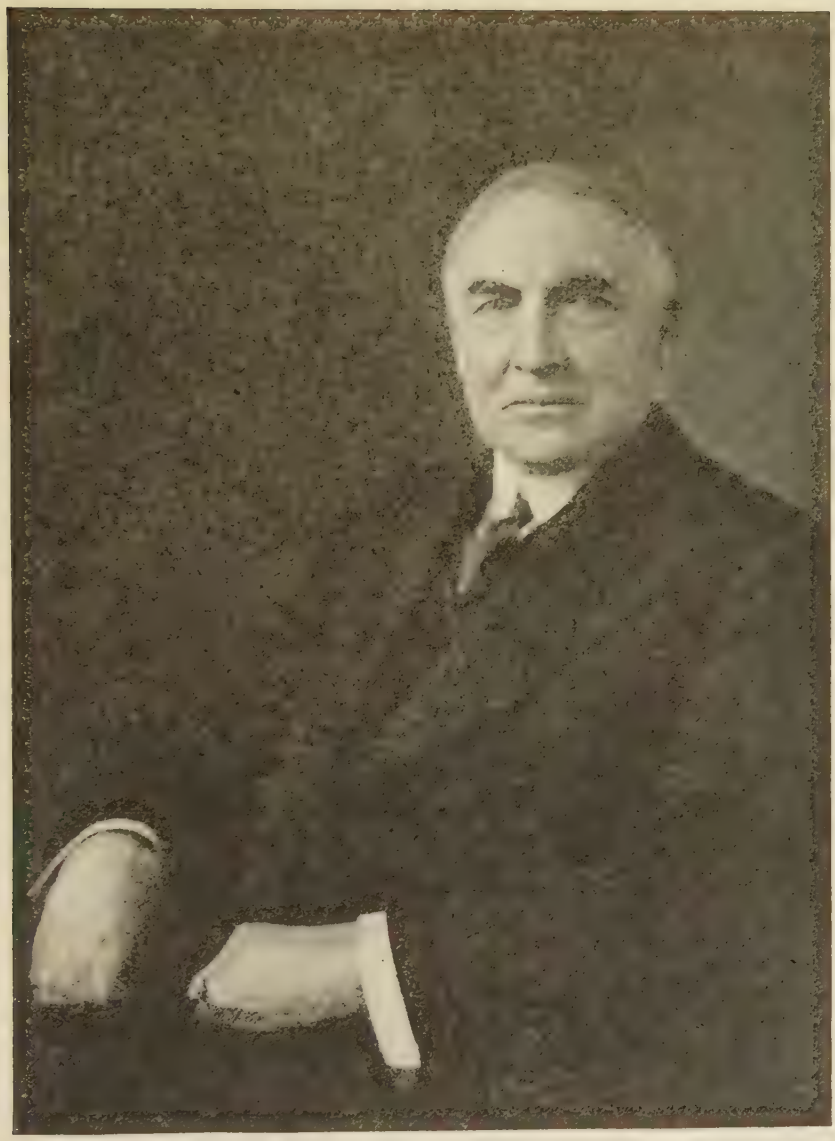
Harding knew and appreciated this community of opportunity so characteristic of our American life. More than once he dwelt eloquently on this theme. He was the last man, however, even in his most secret estimate to have considered himself in any special sense "divinely gifted," except as thousands of other American citizens who grew up through like environment and effort are divinely gifted.

The anonymous iconoclast who wrote the *Mirrors of Washington,* in which the peculiarities, the foibles and in some instances the weaknesses of the great and the near-great at our national capital are made objects of satire and ridicule, found in the unassuming candor of President Harding a defense not easily pierced by his shafts of sarcasm. Greatness is denied by this critic on the authority of Harding himself, who freely admitted that he was "just folks." But even this detractor acknowledges that Harding had "exceptional tact," that his inaugural address "was a great speech, an inaugural to place alongside the inaugurals of Lincoln and Washington."

Warren G. Harding possessed those qualities which disarmed hostility, harmonized differences and made his ascendancy to the presidency a healing influence in the world.

Warren Gamaliel Harding was born near Blooming Grove, Morrow County, Ohio, November 2, 1865. He was the oldest of a family of eight children. His father was Dr. George T. Harding, a Civil war veteran and for many years a country physician, but afterwards a practitioner in the City of Marion. He was of Scotch descent. His ancestors first settled in Connecticut in colonial times and later moved to Pennsylvania, where some of them were massacred by the Indians, and others fought in the Revolution. His mother's maiden name was Phoebe Dickerson and her descent has been traced from an oldtime Holland Dutch family, the Van Kirks. Her eight children and her husband have borne uniform testimony to her womanly qualities, her maternal affection and her excellent management of the home. The close attachment between her and her eldest son has frequently been told. He sought and followed her counsel. She loved the beautiful in nature and it was ever a pleasure to him to minister to her tastes. For fifteen years she received from him every week a generous remembrance of choice flowers. Usually he took them in person, but when he was away from home he arranged with the local florist to send his regular weekly offering that she might thus be reminded of his never-failing filial devotion. She died May 29, 1910. The father survives and has the respect and sympathy of all who know him.

Harding was born on the farm of his grandfather, where both want and affluence were unknown, where each child was heir to healthful influences, modest educational advantages and the opportunity to win his way by independent effort to competence and honored position in the community. The early years of his life were uneventful. The oldest child of the family, upon him devolved the duties of other boys



Warren G Harding

similarly situated. He was simply a normal boy with experiences similar to those of other boys in the neighborhood.

The family continued to live in the home about half a mile east of Blooming Grove until Harding was seven years old. He attended school in the village a little more than a year. From Blooming Grove Doctor Harding moved to the Village of Caledonia, just across the line in Marion County, Ohio. After the family had lived here about five years Doctor Harding purchased a farm east of Caledonia in Marion County. He later lived on this farm one year. His son Warren as he grew up became familiar with all farm work and developed a constitution naturally strong in aiding to till the fields, gather the harvests and clear away the primeval forests which had not been entirely subdued in this section of Ohio.

He early manifested the characteristics of good temper, industry and thrift. His companions of these early years bear uniform testimony to his good nature. He was not disposed to be quarrelsome. Controversies he instinctively avoided. He cherished ill will toward no one. This fortunate quality of character was his through life.

Shortly after Doctor Harding moved to Caledonia the "union schools," as they were called, were organized and opened under the direction of a superintendent. Here young Harding attended until he was fourteen years old, when he entered Ohio Central College at Iberia, Morrow County. From this institution he was graduated at the age of seventeen.

Many stories are told of how he helped to earn his way through college. Some of these are more fanciful than true. That he painted barns and other structures that required a more artistic use of the brush is a well established fact. While in college he took an active interest in the literary society and excelled in debate. In company with Frank H. Miller, now of Mount Gilead, Ohio, he projected and edited the college paper, the *Iberia Spectator.* He composed readily and so much enjoyed his brief experience in the management of this paper that he could not afterwards be satisfied until he found employment in a newspaper office. He was graduated from the little college in 1882. The subject of his commencement address was, "It Can Never Be Rubbed Out."

In 1882 Doctor Harding moved with his family to Marion, Ohio. The future President entered the city on a mule which he had brought from the farm. The year after he was graduated from college, when he was only eighteen years old, Harding taught school for a short time. Later he was employed on the *Marion Mirror,* a democratic weekly published at the county seat.

In politics young Harding became an enthusiastic republican. In November, 1884, he bought at sheriff's sale the *Marion Star.* In partnership with a young friend he issued the first number of that paper November 26, 1884. After a struggle and the successful tiding over of many difficulties incident to the establishment of a daily paper, he at last won a distinct success in the field of journalism and established the *Star* on a paying financial basis.

In 1889 he was nominated for State Senator from a district composed of Logan, Hardin, Union, Marion, Crawford, Seneca and Wyandot counties. The district was almost evenly divided politically, but he was elected by a substantial majority. Two years later he overcame the unwritten law in this district of one term for a State Senator and was renominated without opposition and reelected by a large majority. While in the State Senate he took high rank as an influential member and forceful speaker. He made two addresses that are matters of public record, one nominating J. B. Foraker for the United States Senate and one in honor of the memory of William McKinley.

At the close of his term in the State Senate he was elected lieutenant-governor, having made the race with Myron T. Herrick, the candidate

for Governor. In 1910 he was nominated for Governor and defeated by Judson Harmon. In 1914 he was nominated for United States Senator over two strong candidates, one of whose fortunes he had championed in other years, Joseph B. Foraker. He won the nomination by a substantial majority and in the election following he carried the state by 102,373. He had previously lost the state by a majority almost equally large to Governor Harmon.

In 1916 Harding was chosen to preside over the national convention of the republican party and his keynote speech called forth much favorable comment. Already his name was connected with nomination to the presidency. He was a candidate for that high office in 1920. When the convention assembled the number of delegates pledged to his support was comparatively small. His kindly attitude toward his competitors, his recognized ability and his availability as the candidate from Ohio, a doubtful state which in the two preceding presidential elections had cast its electoral vote for the democratic candidate, made him the natural second choice of many delegates. He gradually developed strength in the convention and was nominated on the tenth ballot.

The campaign of 1920 is too fresh in the minds of the public to call for special mention here. He was elected by the largest popular majority ever accorded to a candidate for that high office. He carried his own state over the democratic candidate by a majority of 401,985. The election occurred November 2d, his birthday. He was nominated June 12th, his father's birthday, a rather remarkable coincidence.

From his position in the Senate Harding saw the beginning and the end of the World war so far as it directly affected this country. When the United States took up arms he gave his voice and vote to every measure that promised to hasten the war to a triumphant conclusion. He saw the vast armies forming and embarking for the titanic conflict in foreign lands. He rejoiced in the triumph of American arms in support of the allied cause. In well-timed and patriotic speech he welcomed the victorious armies on their return. His great heart was touched at the sight of the maimed and wounded. Especially poignant were his words of sympathy at the return of the mortal remains of those who fell. On May 23, 1921, the bodies of 5,212 soldiers, sailors, marines and nurses had been brought back from France, and lay on the Hoboken pier, from which so many had embarked—each casket draped with an American flag. Inspired and moved by this scene, with tears coursing down his cheeks President Harding gave utterance to words that for all time will be a part of the literature of the World war:

"These dead know nothing of our ceremony today. They sense nothing of the sentiment or the tenderness which brings their wasted bodies to the homeland for burial close to kin and friends and cherished associations. These poor bodies are but the clay tenements once possessed of souls which flamed in patriotic devotion, lighted new hopes on the battle grounds of civilization, and in their sacrifices sped on to accuse autocracy before the court of eternal justice. * * *

"These heroes were sacrificed in the supreme conflict of all human history. They saw democracy challenged and defended it. They saw civilization threatened and rescued it. They saw America affronted and resented it. They saw our Nation's rights imperiled and stamped those rights with a new sanctity and renewed security. * * *

"No one can measure the vast and varied affections and sorrows centering on this priceless cargo of bodies—once living, fighting for, and finally dying for the Republic. One's words fail, his understanding is halted, his emotions are stirred beyond control when contemplating these thousands of beloved dead. I find a hundred thousand sorrows touching my heart, and there is ringing in my ears, like an admonition eternal, and insistent call, 'It must not be again! It must not be again!'"

As a first step in response to that "insistent call," President Harding on July 10, 1921, formally announced that he had invited "the group

of powers heretofore known as the principal allied and associate powers," Great Britain, France, Italy and Japan, to meet in conference at Washington to consider the question of the limitation of armaments. Several other interested powers were invited to do likewise. The invitations were accepted.

The conference continued for twelve weeks. Not only did it accomplish all that was proposed at the outset, the "scrapping" of warships, the "naval holiday," and the settlement of questions affecting the Far East, but it outlawed poison gas and the use of submarines against merchant and passenger vessels in time of war. The results were applauded throughout the civilized world as an achievement in the interest of an enduring peace unsurpassed in the annals of diplomacy.

The Washington conference for the limitation of armaments was the outstanding feature of his administration in international affairs. Probably his greatest contribution to domestic affairs was given, not through administrative acts and measures, but by the attitude of conciliation, harmony and friendliness, which became the keynote of his administration as President. A concise and perhaps the most significant of all tributes paid him is, "He was a spokesman for good will."

His oft-expressed desire to return and spend the remainder of his days among the scenes of his youth and in association with old time friends and neighbors was denied. He journeyed in 1923 to far-away Alaska and on his return was stricken with illness in San Francisco. He seemed to be emerging from the attack and on the evening of August 2d was listening to the reading by his good wife of an appreciation of his administration in a well-known periodical. He evidently enjoyed this, for he said: "That's good. Go on. Read some more." These were his last words. The funeral obsequies of President Harding extended from coast to coast and literally numbered mourners through the entire length of the nation. One writer has truthfully said that when San Francisco bade its last sad farewell "to all that was mortal of the greatly beloved President, there began a funeral pilgrimage from sea to sea that has never been equalled in sustained solemnity in this or any other country."

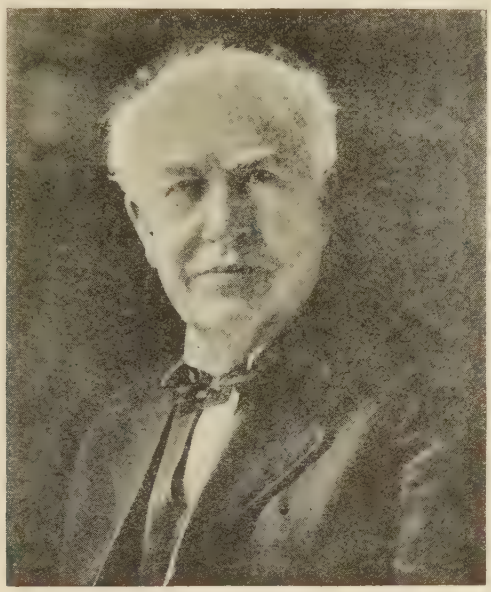
THOMAS A. EDISON

Thomas Alva Edison was born in Milan, Erie County, Ohio, February 11, 1847, son of Samuel and Nancy (Elliott) Edison. On the paternal side he is descended from Dutch ancestors who came from Amsterdam to the new world in 1737 and settled in New York where John Edison, the great-grandfather of Thomas, was a banker. His maternal ancestry was Scotch.

Thomas A. Edison attended school for only a few months and for his education was principally indebted to his mother, a woman of superior ability and attainments. On one occasion Mr. Edison remarked: "I did not have my mother very long but in that length of time she cast over me an influence which has lasted all my life." He says of himself: "I was always a careless boy, but my mother's sweetness and goodness were potent powers to keep me in the right path." In the short time he attended school he was nearly always at the foot of his class. On one occasion the teacher remarked to the inspector that the boy was addled, and that there was no use to keep him in school. The youth overheard the remark, repeated it to his mother who promptly took the child back to school and told the teacher he did not know what he was talking about, that the lad had more brains than the teacher. Referring to this critical period of his existence, Mr. Edison says: "Had it not been for my mother's appreciation and faith in me, I should very likely never have become an inventor. She was so true, so sure of me, I felt I had some one to live for, some

one I must not disappoint. The memory of her will always be a blessing to me."

In 1854 his father removed to Port Huron, Michigan, where at the age of 12 the son engaged in various commercial enterprises in which he employed other boys, working himself as newsboy on a railroad train. He occupied his leisure hours while in Detroit in reading and in studying qualitative analysis, making his experiments in a baggage car of the Grand Trunk Railway, in which he also established a miniature printing office where he set up and printed The Weekly Herald, the paper being written and issued by him without assistance. The Herald had been published for forty weeks and had a subscription list of nearly five hundred when the young experimenter upset a bottle of phosphorus and set the car on fire, thus losing the use of his improvised laboratory. He soon after obtained the monopoly of the news business on the



THOMAS ALVA EDISON

Grand Trunk Railway and employed several boys to act as assistants. During this time he took every occasion to watch the operations of the telegraph at the various stations and constructed a line between his father's house in Port Huron and that of a neighbor. He rescued the child of a telegraph operator from the track in front of a moving train, and was rewarded by the father who gave him lessons on the keyboard. Edison gave up the news business to become a telegrapher. He worked in various large cities of the United States and Canada, meanwhile devoting himself to the study of electrical science, then little understood. At this time he invented, while working in New Orleans, Louisiana, the automatic repeater, and in 1864 he conceived the idea, which he afterward perfected, of the system of duplex and vibratory telegraphy. While in Boston, Massachusetts, operating the New York wire, he continued his experiments, but not until 1872, after he had been in New York City for a year, did he put his duplex telegraph into practical operation. He was made superintendent of the Gold and Stock Telegraph Company through an incident demonstrating his skill. He wandered, a stranger, into the operating room of the company and readily repaired the apparatus with which they sent out stock quotations, thus securing his position. He afterward invented the printing telegraph for stock quotations and sold his patent to the company for

$40,000. He manufactured his instruments in Newark, New Jersey, till 1876, meanwhile making about fifty separate inventions and improvements in telegraphic communication. He then removed his works and laboratory to Menlo Park, New Jersey, devoting his whole time to scientific research, especially to the perfection of his incandescent light, motors for street cars, and the construction of the telephone. Experiments with the telephone led to the invention of the phonograph.

He exhibited his first phonograph at the Paris Exposition of 1878 and afterward sold his patent for $1,000,000. At Paris in 1881 his electrical display included lighting by incandescent lamps, the disc dynamo-electric machine, the microtasimeter, the oderscope and the electromonograph. He made a similar display at the Crystal Palace, London, and in various exhibitions in America. Having outgrown the laboratory at Menlo Park, he moved in 1885 to Llewellyn Park, New Jersey, where he erected an extensive private laboratory, the largest in the world. He organized manufacturing plants at Harrison, New Jersey; Schenectady, New York; Sherbrooke, Connecticut, and lesser ones at other points where he manufactured lamps, motors, dynamos, telephones, etc. In 1889 the Edison General Electric Company was formed with a capital stock of $12,000,000, controlling the Edison patents. In 1889 he expended over $100,000 in preparing his exhibit at the Paris Exposition and at its close he was created a commander of the Legion of Honor. Union College conferred upon him the honorary degree of Doctor of Philosophy in 1887.

He has received patents for more than one thousand inventions, among which were machines for quadruplex and sextuplex telegraphic transmission; the electric pen and mimeograph; the carbon telephone transmitter; the microtasimeter for the detection of small changes in temperature; the megaphone, to magnify sound; the phonograph; the incandescent lamp and light system; the electric valve, now fundamentally essential in wireless telegraphy; a system of wireless telegraphy to and from moving railway trains; motion pictures; the telescribe alkaline storage battery; since the commencement of the European war, 1914, designed, built and operated successfully several benzol plants; also two carbolic acid plants, and other chemical plants for making myrbane, aniline oil, aniline salt, and paraphenylenediamine.

He has had to defend his patents in innumerable law suits and injunctions and only succeeded in sustaining his patent for the incandescent light by the favorable decision of the United States Supreme Court, handed down November 11, 1895. In 1896 he publicly declared that he would have been at least $500,000 better off if he had never taken out a patent or defended one, and that all the money he ever made was made by manufacturing his inventions or in their practical use. He is a member of various scientific societies and has received foreign decorations.

He married (first) Mary G. Stillwell, 1873; (second) Mina M. Miller, daughter of Lewis Miller, 1886. His children were: Marian, Thomas Alva, William Leslie, Madeline and Charles.

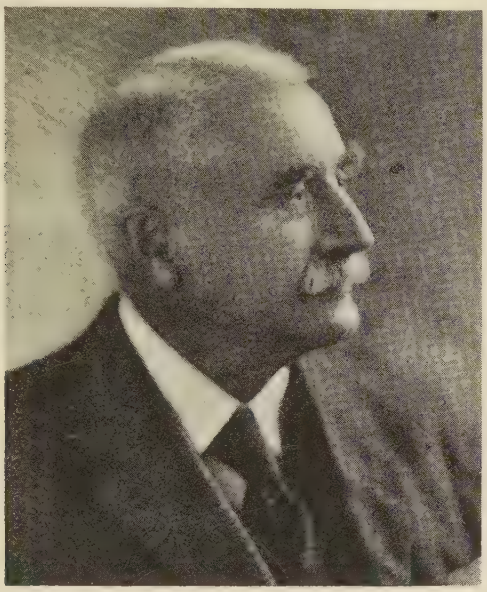
CHARLES FRANCIS BRUSH

The first successful application of the electric energy to the illumination of streets and the first successful application of electric power to the propulsion of street cars was performed in Cleveland. The inventor and scientist responsible for both these achievements was born in the environs of Cleveland and has made this city his home all his life.

The early home of the Brush family was in Euclid Township of Cuyahoga County. There Charles Frances Brush was born March 17, 1849. His parents were Colonel Isaac Elbert and Delia Wisner (Phillips) Brush. Mr. Brush is thoroughly an American. His first American ancestor in the paternal line, Thomas Brush, came from England in

1652 and settled near Huntington, Long Island. In the maternal line his lineage goes back to Rev. George Phillips, an Episcopal clergyman, who came with Governor Winthrop and settled near Boston in the Massachusetts Bay Colony in 1630. Col. Isaac E. Brush was a manufacturer of woolen goods in Orange County, New York, but after he came to Ohio in 1846 followed farming near Cleveland.

Charles F. Brush was educated in the public schools of Cleveland. While in high school he invented a device for automatically turning off the Cleveland street lights. His aptitude for scientific studies was pronounced from early youth. While a student in the University of Michigan, from which he was graduated in 1869, he pursued special courses in scientific and techncial lines and was graduated with the degree of mining engineer. Because of his subsequent distinguished services Mr. Brush has been the recipient of many honorary degrees. His alma



Charles F. Brush

mater conferred upon him the degree Doctor of Philosophy by the Western Reserve University in 1880 and Doctor of Laws in 1900, and he has the honorary degree Doctor of Laws from Kenyon College.

After his university degree Mr. Brush located at Cleveland and for three years was an analytical chemist and consulting expert and from 1873 to 1877 was engaged in the iron ore and pig iron industry. He took up the study of electricity from a practical standpoint in 1873. He soon invented a dynamo and from 1877 he devoted his time entirely to the development of electric lighting. The incandescent electric light had already been given to the world, but its practical utility was confined to the illumination of buildings. Mr. Brush sought to improve upon the principle of electric lighting so as to adapt it for street illumination. In 1878 he perfected and gave to the world the Brush electric arc light.

The first public demonstration of this new light was given on April 29, 1879, when twelve arc lights, invented and made by Mr. Brush, flashed their dazzling illumination over the public square in Cleveland. It was a wonderful triumph for Mr. Brush, and the arc light's use was rapidly extended, at first in the downtown district of Cleveland and then to New York and soon all over the world. By 1881 the light was introduced into England and on the European continent. The essential principle of the Brush arc light is still retained through all the numerous

minor modifications and improvements. In 1880 the Brush Electric Company was formed and a large plant established for the manufacture of the arc lights and of Mr. Brush's other electrical inventions.

The first electric motor street car was put in operation at Cleveland, July 26, 1884. The car itself was only one of the ordinary horse cars of that period with a box bolted beneath containing a dynamo, the invention of Mr. Brush, and a motor from which the power was communicated to the wheels by pulleys. The Brush system of electric propulsion also grew rapidly in favor, though his lasting fame will rest most securely upon his invention of the electric arc light.

The storage battery is in the list of his "fundamental inventions," and is considered one of the most important.

Recognition of his achievements was not long delayed. In 1881 the French government, in recognition of his discoveries in electricity, decorated him as a Chevalier of the Legion of Honor. In 1899 the American Academy of Arts and Sciences awarded him the Rumford medal for the practical development of electric arc lighting. He was awarded the Edison medal in 1913 by the American Institute of Electrical Engineers.

Mr. Brush largely withdrew from the active management of the technical side of his business in 1891, but has ever since maintained a laboratory at his home and in it he has spent many of his happiest hours. For many years Mr. Brush has been president of the Cleveland Arcade Company and was organizer and first president of the Linde Air Products Company.

He has contributed numerous papers to scientific societies and publications embodying the results of his investigations and he has membership in the American Association for the Advancement of Science, the American Society of Mechanical Engineers and of the British Association of the Royal Society of Arts, the American Institute of Electrical Engineers, the National Electric Light Association, the Archaeological Institute of America, the Franklin Institute of Philadelphia, the American Chemical Society, the American Philosophical Society and the American Physical Society.

Mr. Brush is a trustee of the Western Reserve University, the Adelbert College, the University School, Cleveland School of Art, and the Lake View Cemetery. He was one of the incorporators of the Case School of Applied Science.

Mr. Brush is thoroughly American and thoroughly Ohioan. His life has been spent in his native state which is proud of his achievements in science and invention.

WILBUR AND ORVILLE WRIGHT

When in the twentieth century, man at last solved the problem of flight, it was the Wright Brothers of Dayton who were the first to rise from the earth on wings and thrill the world with "the audacity of their design and the miracle of its execution." Ohio has a proper pride in these brothers, not only for the wonderful things they accomplished, but also because they always kept their home in Dayton and through them Dayton became one of the world's first centers in the perfection of the science of aeronautics.

The father of the Wright Brothers was Milton Wright, who was born in Rush County, Indiana, November 17, 1828, and in 1856 was ordained to the ministry of the United Brethren Church and served as a bishop of that church from 1877 until 1905. His son, Wilbur, was born in Indiana, April 16, 1867, while Orville Wright was born at Dayton, August 19, 1871. Wilbur Wright died May 30, 1912, after flight in machines heavier than air had passed the experimental stage. Orville Wright is still a resident of Dayton and is director of the Wright Aeronautical Laboratory. Neither of the brothers married.

The Wright Brothers have related how they first became interested in aeronautics, and the stages of their investigations and work that ultimately resulted in the achievement of what had long been declared impossible—the solution of the problem of aviation.

One evening in the autumn of 1878, their father brought home, concealed beneath his coat, a toy which he tossed into the air. Instead of falling, it flew across the room and up to the ceiling. After fluttering there for a short time it fell to the floor. Great was the interest and delight of the boys. The experiment was repeated several times before the frail toy went the way of all delicate mechanisms that are given to children. The brothers were then aged, respectively, eleven and seven years, but the impression made by the "bat," as they called it, was lasting. The toy was what is scientifically known as a helicoptere, the motive power of which was supplied by a rubber band in tension.

Orville Wright

Their first thought was to make other toys like the one presented by their father, but larger. They found, however, that with the increase in size the flying power diminished and soon approached the vanishing point. At this time they had no thought of inventing a flying machine. They simply wished to make larger "bats."

They soon found greater pleasure in flying kites, in which they became experts. After a time their interest waned, but they did not forget the toy helicoptere on the possibilities suggested by the flight of kites.

The education of the two brothers stopped with high school, though in later years many institutions of higher learning and scientific societies honored them with numerous degrees. They had a home printing press and they also conducted a bicycle shop in Dayton. They were first attracted to the serious study of the subject of aerial navigation when they heard of the death of Lilienthal, the German who for some years had conducted experiments in gliding with the aid of artificial wings. It had been demonstrated that man with the aid of wings or planes could soar through the air and theoretically it was evident that, by the application of power, such flight might be made independent of wind currents. But the great problem that remained, and which the early experiments of the Wrights largely solved, was that involved in the balancing and steering of the flying apparatus. The Wright Brothers

decided that the best approach to a solution of the problem was to find a situation permitting of unlimited practice. Such a place would be found where on clear days wind currents of an average velocity of twenty miles an hour was not unusual. Such a scene for their initial experiment the Wright Brothers found at Kitty Hawk, North Carolina. With their first gliding apparatus, they experimented in the summer of 1900 and in 1901 returned after having designed a new machine. Their early studies and experiments convinced them that the best system of control consisted in a manipulation of the surfaces of the wings or planes rather than the shifting of the operator's body and other devices that had been tried or suggested. During the second summer they succeeded in making glides of from 300 to 400 feet. In 1902 and again in 1903 they continued their experiments at Kitty Hawk, with an increasing record of distance and increasing skill in control. It was on the 17th of December, 1903, that they attempted the first flight with a power machine, the first flight lasted twelve seconds and the second and third a little longer. The fourth flight lasted fifty-nine seconds and the distance covered was 852 feet. This was the first machine ever constructed that lifted its own weight and an operator against the force of gravity, moved forward and alighted safely. Beside the two Wrights only five persons were present to witness these flights. They were John T. Daniels, W. S. Dough, A. D. Etheridge, of the Kill Devil Life Saving Station; Mr. W. C. Brinkley of Manteo and Mr. John Ward of Naghead.

The machine was carried back to camp and set down in what was thought to be a safe place. A strong gust of wind struck it and started it to rolling. Mr. Daniels, "a giant in size and strength," was lifted off his feet in an effort to save the machine and rolled along with it between the two planes, but escaped with only a few bruises. The machine, however, was so badly damaged that experiments were suspended.

In the spring of 1904 the experiments were continued on a prairie eight miles east of Dayton. The problem of equilibrium was not yet entirely solved, and in those days their trials were frequently balked by "engine troubles." It was at the end of September, 1905, that the Wright Brothers achieved the distinction of the first successful flight in the history of aeronautics. On September 28, one flight was made covering a distance of over eleven miles, the machine being up over eighteen minutes. On the 6th of October, after which the experiments were discontinued on account of the number of people attracted to the field, a flight was made lasting thirty-six minutes and covering a distance of twenty-four miles.

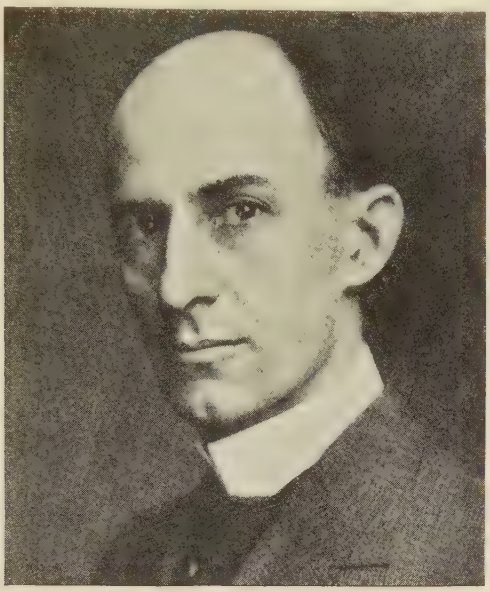
All these experiments and later ones were conducted at their own expense and attempts to secure the aid of rich Americans failed. In the summer of 1908 they went abroad, and were received with special enthusiasm in France. On October 3, 1908, Wilbur Wright made his first flight in Europe and a few weeks later Orville Wright, at Fort Myer, achieved a flight of over an hour's duration; while at the end of the same year, Wilbur Wright made a flight of two hours and nineteen minutes.

It has frequently and persistently been recorded that the Wright Brothers kept their early experiments in aviation a profound secret. Nothing could be farther from the truth. To their first trial at Kitty Hawk in December, 1903, they invited all the people living within a radius of five miles. A very few came and they were not especially excited over the results. Later, when they continued their experiments with a new machine in the field east of Dayton, they invited representatives of the local press to be present when they attempted flights. At first these were failures and the reporters lost interest, although they were duly considerate in their brief descriptions of the results.

The fact is that people generally refused to take these experiments

seriously. Aviation they considered as impossible as perpetual motion. The experience of Darius Green was in many minds and on not a few tongues. The dirigible balloon had a stronger popular appeal. Had not Knabenshue sailed over the grounds of the Louisiana Purchase Exposition at St. Louis? Who cared about the diminutive hops of the frail aeroplane? But when feet covered by flights lengthened to yards and rods and miles the people took notice and came by thousands to witness this epoch-making achievement.

But, we are told, great results were achieved almost simultaneously in Europe. Aviation would soon have been an accomplished fact without the Wright Brothers. In reaching such a conclusion an historic fact is overlooked. In 1902, Octave Chanute, on his way to Europe to deliver an address before a body of men seriously interested in aviation, visited the Wright Brothers at Kitty Hawk. He was quick



Wilbur Wright

to see the important advance that they had made in the control of gliders. With their approval he incorporated their achievements to date in his paper and illustrated these with drawings furnished him by the Wrights. At once these were used by the foreign airmen, who have always freely admitted their indebtedness for basic ideas to the Dayton inventors. The development in Europe was therefore simply the evolution of the Wright "Idea" on the other side of the Atlantic.

A light weight high power engine was an important agency in the solution of navigation of the air. Some have even ventured the statement that the development of such an engine was really the key to the solution. If this is true, great credit is still due the Wrights. Without such an engine and with no money to have experts make one in accordance with their directions, they went industriously to work to build one themselves. The patience and ingenuity exhibited in this undertaking is second only to the result of their efforts to provide control for their machine while in air.

In the meantime their flights had been so successful as to induce the United States Government to enter into a contract with them for the payment of a substantial sum of money after they should meet certain tests. These were difficult and at the time considered beyond the range of possibility. They industriously applied themselves to improve-

ments in their machine, and in October, 1908, successfully met the preliminary tests. They went abroad, where learned and titled dignitaries of different nations witnessed their marvelous mastery of the air. As in their early experiments at Kitty Hawk they had cooked their own meals as a matter of economy, so now, in foreign lands, they were prepared to do the same thing. This astonished the French, who insisted on making them their guests. After their record-making flights, statesmen and princes and kings came to congratulate them.

The scientific journals of America, which had been very slow to credit their early successes, were now prompt and generous in recognizing their great achievement. The Scientific American of June, 1909, in an extended editorial said in part:

"It must indeed have been a proud moment for Orville and Wilbur Wright when they received from President Taft—a native of their own state—the gold medals of the Aero Club of America and the thanks of this great nation for having solved the problem of ages—flight. With the presentation of these medals on June 10th, and with that of the Smithsonian and Congressional medals a week later, has come to them at last the recognition that is seldom accorded to a prophet in his own country, and that was several years late in being given in this instance."

The same journal on August 7, 1909, in commenting upon the flight of Orville Wright from Fort Myer, Virginia, to Alexandria and return, stated among other things:

"Late in the afternoon of Friday, July 30th, Orville Wright accomplished a flight such as had never before been made by any aviator—a flight which gives without question to him and his brother the title of premier aviators of the world."

As it was a proud day for the Wrights when they received the medals at the hands of President Taft, so it was a proud day for the City of Dayton and the State of Ohio when they returned to their home to receive a generous and fitting welcome. The entire City of Dayton and citizens of the state from the surrounding country were out to honor them. The modest manner in which they received congratulations abroad and at home was the subject of frequent and approving comment by the public press.

As late as 1910 they were living with their father and sister in the humble frame dwelling in which they had grown up from childhood. The shop in which they made their engine and repaired bicycles was not far distant, a mute testimonial to the frugality and industry with which they had labored through years to their great achievement. Here they had taken up the work of their predecessors, studied it in all its details, determined the causes of failures, and, with a persistence that would not be denied, approached by degrees their final triumph.

What they won in their battle with the air, it is pleasing to add, has been sustained in the courts. Their claims have been approved by the highest judicial tribunal of the land. Their material reward and their fame are secure.

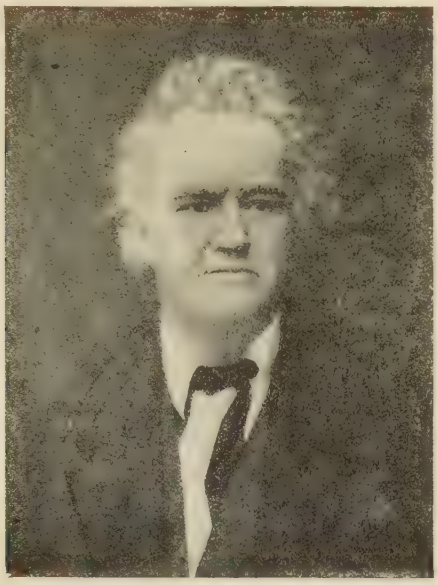
JOSHUA R. GIDDINGS

Joshua R. Giddings, was born October 6, 1795, and died May 27, 1864. In 1812 he was the youngest member of a regiment under Col. Richard Hayes in an expedition to the Sandusky Bay District and participated in a skirmish with the Indians. He taught school, studied law, was admitted to the bar in 1820, and from 1838 until March 4, 1859, served twenty consecutive years as a member of Congress. He was an acknowledged leader of the abolition forces in Congress. He opposed the war with the Florida Indians on the ground that the contest was waged solely in the interests of slavery. He opposed the annexation of Texas on similar grounds. Throughout the stormy period of his congressional career, he refused repeatedly affiliation with

any party or group that accepted any compromise with the principles of slavery.

An interesting and intimate account of his career is found in Harriet Taylor Upton's "History of the Western Reserve." The following is an abstract of Mrs. Upton's account of Joshua R. Giddings. She writes her story from the standpoint of Ashtabula County, where, she says:

"The names of Giddings and Wade are so closely linked together in the minds of people today that one is seldom spoken of without the other. They sleep together in the picturesque cemetery in Jefferson. They were the two most noted citizens Ashtabula ever has had. They were partners at law, shared the same political fate, stood for the same moral principles and it seems appropriate that, as they lived together, their bodies should rest together. They differed in tempera-



JOSHUA R. GIDDINGS

ment and in ability, but each was a great soul, working out the problems of his own life as well as the great problems of the Nation. Joshua R. Giddings belonged to the family from which were descended Nathaniel Hawthorne and Rufus Choate. He was born in Athens, Pennsylvania, but when six weeks old was carried to Canandaigua, New York, where he lived until he was ten. Joshua Giddings, the father, taking his oldest son, pushed on into northern Ohio and took up land in Wayne Township.

In 1806 Mr. Giddings brought his entire family to the township where he and his son built a cabin and cleared a bit of land; and here Joshua R. really began life. In his eastern home he had learned his alphabet and possibly had a little instruction, but of this we are not sure. His son-in-law, George Julian, who married his youngest daughter, Laura, said he only attended school a few weeks in all his life. "He studied late at night by the firelight in his father's cabin or at springtime by the blazing light of the sugar camp." When he was grown he was six feet and two inches tall and when matured weighed 225 pounds. He was a good woodsman; liked to hunt and fish; although left handed, engaged in the sports of that time and continued his interest in those which came after. He loved music and bought the first piano which came into Jefferson. He not only did his portion

of the work for the family, but that of the community as well. When a mere boy he enlisted in the War of 1812 and was in battle.

From the very beginning of his Ohio life he had a great longing for books and learning. Every volume he could get hold of he read and reread. He walked miles through the forests to borrow or see a book which contained something he wanted. Every moment he could snatch from work he applied to study or reading. The winter he was nineteen years old he was teaching. By economical management he was able to attend the school kept by Henry Coe in Vernon, Trumbull County. In 1818 he surprised his friends by declaring his intention of studying law. He was laughed at and discouraged but this did not deter him. Finally two of his brothers offered him the needed money and with three shirts, two pairs of stockings, and $17 in cash he started on a forty mile walk to the home of Hon. Elisha Whittlesey in Canfield.

Mr. Whittlesey was one of the great lawyers of his time. To be under his instruction was the same to a youth of that time as to attend the Harvard law school now. Giddings had made no previous arrangement with Mr. Whittlesey but was gladly received. By the best of management he finished his studies and was admitted to the bar. He had no office, no library, no clients; but about that time Laura Waters, who had been born at Grandbury, Connecticut, and had moved to Gustavus, came into his life, which more than recompensed him for any of the other things he lacked. They were married. She was an unusual woman. At the age of fourteen she began teaching school, supporting herself and at the same time saving enough money to buy a small flock of sheep. One authority says she sold these and with the money Joshua bought his first law books.

In Giddings' life we do not have to make the record which is so often made in the lives of other great men. If he had never had any sorrows except those of his family; if no one had ever abused him and maligned him outside of his family, his, indeed, would have been a sweet life. For at his own fireside love came in the beginning and stayed there. He had eight children and because of his public life, the care of this family devolved largely on his wife. She was capable, resourceful, courageous and generous. It has been, so it is, and possibly so it always will be that men, great and small, forge ahead in life's work because of the contributions which the women make to them.

The vigor with which Joshua R. Giddings practiced law was astonishing and the stories of some of his early cases are fascinating. During his separation from his family, its members were ever present in his mind. After a hard fighting day at the capitol we find him in his room printing letters to his youngest children because they could not read writing.

At the end of ten years Mr. Giddings was employed in almost every case of importance in his vicinity. In 1831 he formed a partnership with Benjamin F. Wade and this continued for a number of years. In 1826 he was elected to represent his county in the Ohio Legislature and served one term with great distinction. He ran for the state senate in 1828 and was defeated. So successful had he been in practice that in 1836 he considered himself able to retire. About this time he lost heavily in land and never again fully retrieved his fortune. At this date he was in rather delicate health from dyspepsia. In 1838 he was elected to a seat in Congress, made vacant by the resignation of Elisha Whittlesey. He was then forty years old and he served in that body for twenty years, during the stormiest time our country has ever seen. When he entered he was a whig; when he retired he was a republican.

In 1838 he first started by coach to Washington, ending his trip on the Baltimore & Ohio Railroad. Among the passengers accompanying him was Tom Corwin. When he took his place in the House

of Representatives, John Quincy Adams was serving and these two men later stood side by side as opponents of slavery. The close friendship of Adams and Giddings lasted until the end. When the former was stricken with apoplexy in the House, Giddings was near him and remained by him to the end. During those last hours Adams said to him: "I have more hope from you than any other man." Many years later Giddings said substantially the same to Sumner.

Giddings had been an ardent admirer of General Harrison and was greatly disappointed when he went to call upon him to find that Harrison was displeased with him for some late speeches he had made and really treated him rudely. Giddings never returned to visit him. As soon as he was well established in Congress he became a power. As he was younger than Adams, all the rage which the southern members and their northern sympathizers felt was visited upon him. He was insulted, threatened, challenged, socially ostracised, and still he swerved not. In the midst of hot debate, congressmen insulted him and he openly defied them. His friends expected him to be killed but he never shared their fears. In the Twenty-third Congress, Adams and Giddings were fighting alone. "The press of his own party did not sustain him and common courtesies usually extended to members of Congress were denied him." He had long served as chairman of the committee on claims. He was later removed and given seventh place on the committee on revolutionary pensions, which had no business and did not meet."

In 1842 when the censure upon him was passed by a vote of 125 to 69, he resigned his seat and returned to his district. As soon as he entered the contest to succeed himself, he was approvingly received and almost unanimously reelected. Five weeks from the time he left Congress, he was back at his duties. In 1851 and 1852 an attempt was made to get rid of Mr. Giddings by gerrymandering the state. The scheme reacted. Not only was he elected, but Edward Wade of Cleveland, a brother of Benjamin F., was elected. Mr. Wade and Mr. Giddings held the same views on the question of slavery.

Giddings' Congressional career closed with the thirty-fifth Congress. At that time he had the respect of all the leaders in the North. Lincoln appointed him consul general to Canada, Lincoln and Seward signing the commission, and at Toronto he remained till his death in 1864. In 1859 and 1860 he lectured on the general subject of slavery and campaigned for Lincoln. He also bought the first safe in the county, and when the Ashtabula Farmers Bank was organized he loaned it to them until they could purchase one. It has ever since stood in the old Giddings office.

BENJAMIN F. WADE

By Harriet Taylor Upton

"They made his grave near the heart of his life-long home and set at his head a granite shaft, less enduring than the influence of his deeds for truth, justice, freedom, and his country's good."

These words came from the heart of one of the thousands who admired and loved the great and rugged Benjamin F. Wade, for eighteen years an honored United States Senator from Ohio, a life-long champion of freedom in every form and one whose last public act was to represent his country on the commission to report on the proposed acquisition of Santo Domingo, the first decisive step taken by the Nation in protecting the rights of weaker people in Southern America and teaching them the nobility of a republican government. His part in

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Joshua R. Giddings was author of "The Exiles of Florida" and "History of the Rebellion; Its Authors and Causes." "The Life of Joshua R. Giddings" was written by George W. Julian.

the work of that commission was in line with his learning, his sound judgment, his great fame and his splendid character. At the age of more than three score years and ten, with his beloved wife, he returned to the simple white frame house in Ashtabula, tree-buried and surrounded by ample grounds, and so long his dear home, and there died as grandly as he had lived, his last day on earth being March 2, 1878.

One who had free access to his home, so characteristic of Benjamin F. Wade, thus describes it: "Everything about him is like the man, plain but substantial. In the lot near the house stands his office or den, as the family familiarly termed it; and here, for more than thirty years, when not in Congress, Mr. Wade has passed most of his time. Entering it with the senator, we found two rooms, the floors lined from floor to ceiling with cases filled with books. This library contains nothing but public documents, maps and charts, and is the most complete in the country, embracing all information concerning the government from its foundation to the present day. A carpet, lounge, an old fashioned arm chair, a common table and chairs and some maps on the wall complete the furniture of the rooms, which seemed dreary and lonely enough in their isolated solitude." Dreary and lonely though they might have seemed to an outsider, it was this very seclusion in which, through the printed page, the eloquent voices of other great Americans spoke to him and inspired him to forge the rugged, statesmanlike utterances, which made him the idol of his county, state and Nation.

Whatever Senator Wade found to do was accomplished with his whole might and soul; and as his energy was remarkable, as well as his power of self control, every stroke of his hammer brought not only a spark, but tended toward the fashioning of a definite object. Whether defending the interests of Ashtabula County as its prosecuting attorney, fighting against slavery in the Ohio Legislature and the National Senate, or representing the United States in the Southern seas, he spared no effort to perform faithfully the duties which came to him and to honor both the office and himself. Throughout his entire active career he stood forth as one who performed great deeds with apparent ease and never failed to throw around the smaller affairs of life that dignity and significance which mark the grand soul.

Senator Wade was a native of Massachusetts, born in Feeding Hills Parish, October 27, 1800. His father was a Revolutionary soldier who considered his duty as a patriot unfinished until he had fought the battles of his country from Bunker Hill to Yorktown. Mr. Wade's mother was the daughter of a Presbyterian clergyman and a woman of fine and forceful character. It was under her patient and loving tuition that he learned to read and write. The boy's hunger for books partially compensated for his lack of early school advantages, so that when he was eighteen he was really better informed than most of his companions of that age. Up to that period in his life, he had no other experiences to his credit than those connected with the farm homestead. At eighteen years of age he started for Ohio, working his way into Ashtabula County and from there went to Albany, New York. While there he shoveled dirt for the Erie Canal during one spring and summer. At the end of his summer's work on the canal, the young man returned to Ashtabula County, taught school the next winter and in the following spring commenced to study law in the office of Hon. Elisha Whittlesey, being soon after elected a justice of the peace. In 1828, after two years of hard study, he was admitted to the bar. The next step upward was his election to the office of prosecuting attorney of the county. As an active whig he was then sent to the Ohio State Senate and became the leader of what was then the minority party. While serving in that body, he took a prominent part in abolishing the law permitting imprisonment for debt; inaugurated the war

against the Ohio Black Laws, and took a firm stand against the admission of Texas into the Union, declaring, "So help me God! I will never assist in adding another rod of slave territory to this country." As this position was then in advance of that held by his party, he was defeated for reelection but returned after the interim of one term. At this session, Mr. Wade pressed through the bill which founded Oberlin College on the principle of equal education, regardless of color, and led the revolt in the State of Ohio against the resolution of Congress, denying the right of the people to petition for the abolition of slavery. From 1847 to 1851 he served as president judge of the Third Judicial District and in March of that year, while a case was pending before him, he heard the firing of cannon in the streets of Akron which proclaimed that the Ohio Legislature had elected him to a seat in the United States Senate.

Benjamin F. Wade announced himself as an especial foe to slavery at the commencement of his career in the United States Senate and it was during his fierce conflict with that institution and all of its supporters that his most memorable public act was performed. He reported from the committee on territories the first provisions prohibiting slavery in all the territories of the United States. His outspoken utterances and indifference to personal consequences earned him the bitter enmity of the extreme Southern leaders, who upon several occasions threatened "to call him out" with no other effect upon the senator from Ohio than to draw out the answer, "come on." Of the value of his services as a member of the committee on the conduct of the war, no adequate estimate can be made. He was a very pillar of the Union and a trumpet to its cause, inspiring hope, courage and faith.

It was near the close of the thirty-ninth Congress that Senator Wade was elected president pro tem of the Senate and it is almost certain, had President Johnson been impeached, that he would have been elevated to the chair as chief executive of the Nation. But that was not to be, and on the 4th of March, 1869, he retired from the Upper House of Congress as a great and beloved American statesman.

Two years after his Government appointed him to a place on the Santo Domingo Commission and later as a special commissioner to report on the feasibility and advantages of the proposed Union Pacific Railroad to the Pacific Coast. The results of his investigations and recommendations on both of these positions have added to his enduring fame, and with a record rich in achievement he retired to his quiet old home in Ashtabula.

In 1840 Mr. Wade was united in marriage to Miss Caroline Rosecrantz of Middletown, Connecticut. The two sons of this union are James F. and Henry B. Wade, both connected with the United States Army. The former has attained high rank in the military service. During the Civil war he advanced from a first lieutenancy in a United States cavalry regiment to the rank of brevet brigadier general and at the outbreak of the Spanish-American war was a full brigadier general in the regular army. He served in that conflict as a major-general of volunteers; was head of the Cuban evacuation commission in 1898; served in the Philippines in 1901-1904, commanded the military division covering the islands during the last year of that period; commanded the Atlantic division from 1904 to 1907 and was honorably retired from the military service by operation of law on April 14th of the latter year. The comradeship between Mr. Giddings and Mr. Wade was most beautiful. The early letters show such frankness, such perfect understanding that it is no wonder their friendship was firm and everlasting. Before Mr. Giddings began his public life, and they were in partnership, their earnings were substantially in common.

Reference: "The Life of Benjamin F. Wade," by A. G. Riddle.

THOMAS CORWIN

Thomas Corwin, one of the most notable of Ohio statesmen before the Civil war, was born in Bourbon County, Kentucky, July 29, 1794, and was four years of age when his father, Matthias Corwin, moved to what is now Lebanon, Ohio. The son grew up on a farm, had limited educational advantages, began the study of law in 1815 and was admitted to the bar in 1818. His ability and eloquence soon gained him an extensive practice. He entered the Ohio Legislature in 1822 and served one year. In 1830 he was elected to Congress as a whig from the Miami district. His wit and eloquence made him a prominent member of the House of Representatives. He served continuously until 1840, when he resigned to become the whig candidate for governor. He was elected, but two years later was defeated as a candidate for the same office. In 1845 he entered the United States Senate.

As a member of the United States Senate, he made his famous speech February 11, 1847, against the prosecution of the Mexican war. He was firmly convinced that the war was unjust and dishonorable and had been undertaken in the interests of the extension of slavery. His speech was made during the debate over a bill making further appropriations to bring the war with Mexico to a speedy and honorable conclusion. It was a bold course for him to assume to oppose the appropriation of money to carry on military movements against his country's enemies. He was almost alone, even in the whig party, and Daniel Webster of Massachusetts was one of his whig friends who sought to dissuade him from his position. Nevertheless he spoke, contending that the war was wrong, that it was a President's and not a people's war and was based on the false proposition that the disputed territory belonged to Texas and not to Mexico. The speech created a profound impression. Its moral tone, its great ability and parliamentary eloquence were admitted by all, but it was violently attacked by the opposition press as unpatriotic and even treasonable. Many of Corwin's friends deserted him, some of them being high in the whig party. However, he won the highest praise from such anti-slavery whigs as Joshua R. Giddings and Horace Greeley. In Ohio he was denounced on frequent occasions and his resignation demanded, but the report of the majority of the judiciary committee of the State Senate probably represents a fair judgment then and later. "That the course pursued with reference to this war by Hon. Thomas Corwin has in no degree lessened him in the state he represents, but that the implicit confidence in his statesmanship, his moral integrity, his patriotism, his true loyalty to the Union and the State of Ohio remains unimpaired and unfaltering."

On July 20, 1850, Corwin became secretary of the treasury in President Fillmore's cabinet. In 1853 he returned to private life, resuming his law practice at Cincinnati. In 1858 he was again elected to Congress, this time from a republican district, and was reelected in 1860. However, he was not in entire harmony with the republican party. He favored prohibiting slavery in the territories, but he believed that they had a right to make a constitution for statehood permitting slavery if they saw fit. He became chairman of the famous committee of "thirty-three" appointed to devise some plan to stem secession and provide for a peaceable settlement of the slavery question. Corwin favored a compromise, and chiefly for that reason, but also because he was growing old, he was not numbered among the great leaders who exerted the dominating influence on the Nation's affairs in the era that began with the election of Lincoln. His compromising position disappointed those who had applauded his opposition to the war with Mexico and to the acquisition of territory in the Southwest for the extension of slavery. President Lincoln appointed him minister to

Mexico. He served until 1864, then resumed his law practice at Washington, and died there suddenly, December 18, 1865.

References: "Life and Speeches of Thomas Corwin," by Josiah Morrow: "Thomas Corwin," by A. P. Russell.

EDWIN M. STANTON

Edwin McMasters Stanton was born at Steubenville, Ohio, December 19, 1815, son of Dr. David and Lucy (Norman) Stanton and grandson of Benjamin and Abigail (Macy) Stanton, who, being Quakers, moved from Massachusetts to North Carolina prior to the Revolutionary war. His father separated from the Quakers in 1815 and made his home in Steubenville, Ohio.

Edwin M. Stanton attended the district schools and in 1827, upon the death of his father, obtained employment in a book store. He studied in the evenings and entered Kenyon College in 1831, but was obliged to abandon his studies in 1833 for want of means. He then entered a book store in Columbus, Ohio; studied law and was married December 31, 1836, to Mary Ann, daughter of William Lamson of Columbus. He practiced law in Cadiz, from 1837 to 1839, and in 1838 was prosecuting attorney of Harrison County. In 1839 he returned to Steubenville, where he entered into partnership with Judge Tappan. He was an active supporter of Martin Van Buren for the presidency in 1840 and reporter of the State Supreme Court from 1841 to 1846. He became one of the leading lawyers in the state. In 1844 Mrs. Stanton died and he moved his law practice to Pittsburgh, Pennsylvania, where he was married June 25, 1856, to Ellen M., daughter of James Hutchinson. He removed to Washington, D. C., in 1857, his increasing practice in the United States Supreme Court necessitating the change. Many cases committed to his charge were of national celebrity and included the litigations attending the first Erie war, the Wheeling Bridge case and the Manny and McCormick Reaping Machine contest. In the latter case he was leading counsel with Abraham Lincoln as one of his associates.

Mr. Stanton succeeded Jeremiah S. Black as United States Attorney-General in the cabinet of President Buchanan in 1860. He favored the Wilmot Proviso and the emancipation of slaves. When South Carolina seceded from the Union, December 20, 1860, John B. Floyd, secretary of war, at a cabinet meeting, demanded the withdrawal of Major Anderson from Fort Sumter and of the national troops from Charleston Harbor. In reply Mr. Stanton made an indignant speech, bitterly denouncing Floyd and ending with the words, "Your conduct would cause Aaron Burr to hide his head. Your treason would bring the blush of shame to the cheek of Benedict Arnold." In consequence of this speech, Floyd tendered his resignation and was succeeded by Joseph Holt.

On the retirement of Simon Cameron from the office of secretary of war, President Lincoln appointed Mr. Stanton to fill the vacancy January 15, 1862. Under his administration a rigorous military policy was favored. He was opposed to the plan of conducting the war adopted by General McClellan, and his opposition resulted in the recall of McClellan and his army from the Peninsula and the appointment of General Pope to the command of the Army of the Potomac. He dissuaded President Lincoln from sanctioning a conference between Grant and Lee for the purpose of considering a negotiation of peace, and Lincoln is quoted as saying: "So great is my confidence in Stanton's judgment and patriotism that I never wish to take an important step without first consulting him." A few days before Lincoln's death, Stanton tendered his resignation of the portfolio of war, desir-

ing to return to his practice at the bar, but at the earnest request of the President, he reconsidered it.

On April 14, 1865, Lincoln was assassinated and Andrew Johnson succeeded to the presidency. President Johnson's administration opened with an unfortunate collision between the legislative and executive branches of the Government. The Freedman's Bureau Bill, the civil rights bill and the reconstruction acts, although supported by Stanton, were opposed by the President, and discord in the cabinet resulted. Stanton was requested to resign, but as Congress was not then in session he refused until the meeting of that body, and the President suspended him from office. On January 13, 1868, the Senate "refused to concur in such suspension" and General Grant, who had been acting secretary of war ad interim, relinquished the office to Stanton. The impeachment of Johnson followed and after the result of the trial was made known, Mr. Stanton resigned and resumed his practice of law.

HOME OF EDWIN M. STANTON, CADIZ
Secretary of War in Lincoln's Cabinet

Upon General Grant's accession to the presidency, he appointed Stanton an associate justice of the United States Supreme Court, and as a mark of respect, the nomination was confirmed by the Senate without the usual reference to the judiciary committee, but Mr. Stanton did not live to take his seat on the bench. In selecting names for a place in the Hall of Fame, October, 1900, his name in class M, Rulers and Statesmen, received six votes. He died in Washington, D. C., December 24, 1869.

The official and personal associations of Lincoln and Stanton are matters of never failing interest, and many are the versions of these, especially of their relations in the McCormick-Manny case in Cincinnati. Perhaps the most authentic account is the one given by Mr. George Harding of Philadelphia, associate counsel with Stanton and Lincoln in this case, and published in "The Life of Abraham Lincoln" by Ida M. Tarbell. It appears that while Stanton was not responsible for crowding Lincoln out of the case his attitude toward the awkward lawyer from Illinois was not very cordial. Though Stanton had risen from humble estate, he was something of an aristocrat and a scholarly collegian. At this time he was not naturally attracted to a man of the Lincoln type. The meeting of the two in this case was in 1855.

Stanton's contempt did not abate with the passing years. After Lincoln had been elected President Stanton characterized his adminis-

tration in the early months as "disgraceful" and "imbecile." In the fall of 1861 Gen. George B. McClellan spoke of Stanton's hostile attitude. Among other things he said, "He [Stanton] never spoke of the President in any other way than as the 'original gorilla,' and often said that Du Chaillu was a fool to wander all the way to Africa in search of what he could so easily have found at Springfield, Illinois."

There was no question, however, of Stanton's loyalty to the Union and his supreme desire to suppress the rebellion. His eminent ability was also generally recognized. This led Lincoln to tender him the appointment of secretary of war, which Stanton accepted. In a conversation with Don Piatt soon afterward Stanton declared that in this position he intended "to make Abe Lincoln President of the United States." In the cabinet he gradually changed his opinions in regard to Lincoln and became the warm personal friend and able defender of the President. When Abraham Lincoln fell at the hands of an assassin Stanton was at his bedside and broke the solemn hush that followed the last breath of the martyred President with the words that have become historic: "And now he belongs to the ages."

References: "Edwin McMasters Stanton, the Autocrat of Rebellion, Emancipation and Reconstruction," by Frank Abial Flower. "In Memoriam: Edwin McMasters Stanton," by Joseph B. Doyle.

SALMON P. CHASE

Salmon Portland Chase was born at Cornish, New Hampshire, January 13, 1808, son of Ithamar and Janette (Ralston) Chase and sixth in descent from Aquila and Ann Chase, who left England in 1640 and settled in Newbury, Massachusetts.

Salmon P. Chase attended a district school until his ninth year when his father died and he was sent to Windsor, Vermont, where he continued his studies. In 1820 his mother sent him to Worthington, Ohio, at the suggestion of her brother-in-law, Bishop Philander Chase, who conducted a collegiate school at that place and who agreed to give him a home and educational advantages. He made the journey with his elder brother and H. R. Schoolcraft, who were going west to join the Cass exploring expedition. On the removal of Bishop Chase to Cincinnati in 1822 to accept the presidency of Cincinnati College, Salmon P. Chase entered that institution and in 1823, when his uncle went to Europe to secure funds to establish Kenyon College, he returned to his mother's home in Keene, New Hampshire. For a time he taught school at Royalton, Vermont, and entered Dartmouth College in 1824, graduating in 1826. He then went South, expecting to find employment as tutor in some private family, but in this was disappointed. Returning, at Washington he was refused a situation in one of the departments, his uncle, Dudley Chase of Vermont, declining to aid him on the ground that such an appointment had already ruined one nephew. He secured a private school, where he had among other pupils a son of Attorney-General Wirt. This incident led to an offer from Mr. Wirt to receive the young tutor as a law student and he was admitted to the bar of the District of Columbia in 1829.

In 1830 he returned to Cincinnati and was admitted to the Ohio bar. While waiting for clients he prepared an edition of the statutes of Ohio, which his conscientious codification, copious annotation and comprehensive sketch of the growth and development of the territory and state expanded to three volumes. Upon its publication, the fame of the author spread with its rapid sale, all previous "Statutes of Ohio" being superseded by the new work. Practice now came and among his clients were the Bank of the United States in Cincinnati and the Lafayette, a prominent city bank, which engaged his services as a director, secretary of the board, and solicitor. This experience directed

his mind to subjects of finance and was the preparatory school of the future Secretary of the Treasury of the United States.

The question of slavery and the rights of fugitives from bondage was at this time (1837) uppermost in the public mind, especially in the vicinity of Cincinnati, a famous point on "the underground railroad." Mr. Chase was counsel for a colored woman claimed as a fugitive slave and also in the case of James G. Birney, prosecuted under a state law for harboring a fugitive slave. Both cases were defended by him before the State Supreme Court and his arguments against the right of the Federal Government to demand of a state magistrate any service in the case of a slave voluntarily brought by his master into a free state and there escaping from his control and in maintaining that the law of 1793 was unwarranted by the constitution of the United States and therefore void, were published and extensively circulated by the anti-slavery party. In the case of Van Zandt, before the Supreme Court of the United States in 1946, he was associated with William H. Seward, and there argued that under the ordinance of 1787, no fugitive from service could be reclaimed from Ohio, unless escaped from one of the original slave states and that the question of slavery was an interstate and not a federal question for adjudication by Congress.

In politics Mr. Chase had supported whig or the democratic party as they promised to futher his one political idea, the blotting out of slavery; but in 1841 he called the convention that organized the liberty party in Ohio, wrote the address to the people and supported its candidates. In 1843 when the liberty party met in convention at Baltimore to nominate candidates for President and Vice President, Mr. Chase was a member of the committee on resolutions and opposed the radical proposition offered, which refused to support the third clause of the constitution if it was applied to the case of a fugitive slave. His opposition prevented it from becoming a part of the committee's report. It was, however, introduced before the convention and adopted. The movement for a convention of "all who believe that all that is worth preserving in republicanism can be maintained only by uncompromising war against the usurpation of the slave power, and are therefore resolved to use all constitutional and honorable means to effect the extinction of slavery within the respective states, and its reduction to its constitutional limits in the United States," was led by Mr. Chase, and was intended to invite representation only from the Southern and Western States. It met in Cincinnati in June, 1845, and the address, urging the necessity of a political organization determined upon the overthrow of the slave power, was prepared by Mr. Chase as chairman of the committee on platform. The second Liberty National Convention was held in 1847 and in it Mr. Chase opposed making a ticket and advised waiting to see how the Wilmot Proviso would affect the political parties and the action of Congress. In 1848 he prepared a call for a free territory state convention at Columbus, Ohio, which resulted in the national convention at Buffalo, New York, in August, 1848, over which Mr. Chase presided and which nominated the free soil ticket, Van Buren and Adams. Mr. Chase was next year elected by the democratic and federal whigs to the United States Senate. In 1852, when the Democratic National Convention at Baltimore nominated Franklin Pearce and denounced the agitation of the slavery question, and the ticket and platform were upheld by the democrats of Ohio, Mr. Chase withdrew from the party and prepared the platform for an independent party, which was adopted by the Pittsburgh convention of 1852.

He opposed the Clay compromise in a speech in the Senate; and all his efforts in that body were directed to the confining of the question of slavery within its constitutional limits, to securing non-intervention

on the part of the Federal Government in the affairs of the states and territories, to upholding the individual rights of persons and states and to securing economy in the administration of financial affairs. He favored free homesteads to actual settlers, cheap postage, government aid towards construction of the Pacific Railroad and liberal appropriations for harbor and river improvements. The opponents of the Nebraska bill and of the administration elected him governor of Ohio in July, 1855. His policy was economy in the administration of state affairs, annual sessions of the Legislature and liberal support to schools. At the Republican National Convention of 1856, a majority of the Ohio delegates proposed his name as a presidential candidate but at his request it was withdrawn. In 1857 he was again a candidate for governor and received the largest majority that had at that time been given to a candidate for that office in Ohio. When the Republican National Convention met in Chicago in 1860, Ohio presented Mr. Chase as a candidate and on the first ballot he received forty-nine votes; but when the votes of Ohio were needed to secure Mr. Lincoln's nomination, they were promptly furnished. In the same year he was elected to the United States Senate and resigned it to accept the portfolio of the treasury in the cabinet of President Lincoln.

The treasury was in great need of money and Secretary Chase asked for $8,000,000, April 2, 1861, of which amount $3,099,000 was tendered at or under six per cent. He refused all bids at higher rates than six per cent and placed the balance in two-year treasury notes at par or over. When Fort Sumter was fired upon, the Secretary went to New York and obtained $50,000,000 from the banks in exchange for treasury notes payable in coin and soon after obtained $100,000,000 more from the same source. The bankers could not sell the bonds for coin and on December 27, 1861, the agreement to suspend specie payment was entered into. When the resources of the banks were found inadequate to supply the Secretary's demand for money, he, largely through the suggestion of O. B. Potter of New York, issued the greenback. This popular loan was followed by the national banking system, a part of the original plan of Mr. Potter. The financial measures enabled the government to prosecute the war and and furnished a stable currency.

On December 6, 1864, President Lincoln named Mr. Chase Chief Justice of the United States Supreme Court to succeed Justice Taney, deceased, and his nomination was immediately confirmed by the Senate. In the impeachment trial of President Johnson in March, 1868, Chief Justice Chase presided and his impartial and dignified demeanor won the respect of all. He became dissatisfied with the policy of the republican party as voiced by the majority in Congress and when the Democratic National Convention met in New York in July, 1868, he was announced as a candidate for the presidency. At one time his chances for the nomination seemed to be flattering, but the tide changed before the balloting began and he received but four votes. In the presidential campaign of 1872 he favored the election of Mr. Greeley, the democratic candidate.

He died in New York City, May 7, 1873.

The ambition of Salmon P. Chase was to attain the presidency. He was greatly disappointed when he failed to secure the nomination in 1860. He felt keenly the failure of Ohio to stand by him. He never forgave those who lead the break in the convention to Lincoln. Gen. Roeliff Brinkerhoff, who knew Chase intimately, said in a carefully worded estimate, "Mr. Chase, mentally, morally and physically, was one of the noblest of men. He was a man of high ambition, but his ambition was entirely subordinate to his sense of duty. * * * Intellectually Mr. Chase was the superior of Lincoln. * * * The only weakness I ever detected in him was the infatuation of his later years

to be President, and I always thought that arose more from a desire to gratify the ambition of his daughter rather than his own."[1]

This ambition led Chase, while a member of the cabinet, to become a candidate against Lincoln for renomination in 1864. Failing to receive any material support, he withdrew. Lincoln was annoyed at some of his actions, including an occasional presentation of his resignation, apparently for the purpose of being coaxed to remain in the cabinet. He was finally constrained to accept the resignation. Lincoln, however, admired the ability of Chase and overlooked his personal shortcomings. On one occasion, he said: "Mr. Chase is a very able man. He is a very ambitious man, and I think on the subject of the presidency a little insane."[2] Again in a serious mood he declared, "Of all the great men I have ever known, Chase is equal to about one and one-half of the best of them."

JOHN SHERMAN

John Sherman was born in Lancaster, Ohio, May 10, 1823, son of Charles R. and Mary (Hoyt) Sherman, natives of Norwalk, Connecticut, grandson of Taylor and Elizabeth (Stoddard) Sherman and a direct descendant of Roger Sherman. His father removed in 1810 from Norwalk, Connecticut, to Lancaster, Ohio, where he was a prominent lawyer, became a judge of the State Supreme Court under the Constitution of 1802, and died at Lebanon, Ohio, June 24, 1829, leaving eleven children, John being the eighth.

John Sherman was brought up by his cousin, John Sherman of Mount Vernon, Ohio, and attended Homer Academy at Lancaster, Ohio, 1835-1837. In 1839 at the age of sixteen, he obtained employment on the Muskingum Improvement under Colonel Curtis, as junior rodman of an engineer corps and later was given charge of the work at Beverly, Ohio. He was admitted to the bar on reaching his majority in 1844, and entered into partnership with his brother at Mansfield. He was a delegate to the Whig National Convention at Philadelphia, Pennsylvania, June 7, 1848, and served as secretary of the convention. He was married August 30, 1848, to Cecilia, daughter of Judge James Steward of Mansfield. The same year he established a mill for the manufacture of finishing lumber, which business he carried on in connection with his law practice.

He was a delegate to the Whig National Convention at Baltimore, Maryland, June 16, 1852, where he supported Gen. Winfield Scott for the presidency. He removed to Cleveland in 1853 and was elected a whig and republican representative from the Thirteenth Ohio District, serving from 1855 to 1861. He was president of the First Ohio Republican State Convention in 1855 and was foremost in the organization of the republican party. He was a member of the committee of three appointed by the House of the Thirty-fourth Congress to investigate the Kansas troubles of 1855, and prepared the testimony and wrote the report, Representative Howard, the chairman, being ill. In 1856 he supported the nomination of John C. Fremont for President. He was chairman of the committee on ways and means in the Thirty-sixth Congress and introduced a resolution providing that a committee of fifteen be appointed to report on the subject of a railroad to the Pacific Coast. He secured the passage of a bill authorizing the issue of United States Treasury notes in 1860.

He succeeded Salmon P. Chase as United States Senator from Ohio in March, 1861. He served as aide-de-camp without pay on the staff of Gen. Robert Patterson in 1861 and raised largely at his own expense the Sherman Brigade, consisting of two regiments of infantry,

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[1]Brinkerhoff, "Recollections of a Lifetime," pp. 108, 117, 118.
[2]Rhodes, "History of the United States," Vol. 4, p. 46.
Schuckers, "The Life and Public Services of Salmon Portland Chase," p. 509.

a cavalry squadron and an artillery battery. He resumed his seat as United States Senator and in 1862 took charge of the national banking bill and with Secretary Chase, secured its passage. He was chairman of the Senate committee on finance and opposed the issue of 6 per cent bonds; was the author of the refunding act which was passed in 1870; and was chairman of the committee that fixed the time for the resumption of specie payments.

He supported the candidacy of Rutherford B. Hayes for President at Marietta, Ohio, in a notable speech at the opening of the campaign on August 12, 1876. This was devoted largely to the financial questions then at issue. After the election he was a member of the visiting committee sent to Louisiana to watch the counting of votes and on the inauguration of President Hayes, March 4, 1877, he was appointed secretary of the treasury. He procured the sale of $200,000,000 worth of 4 per cent bonds of which $15,000,000 was used for refunding purposes. In less than six months he was able to dispose of 4 per cent bonds at par, and in July, 1878, he resumed specie payments with a balance of $140,000,000 in gold.

He was a candidate for the nomination for the presidency in 1880 and in 1881 was returned to the Senate; was reelected in 1887 and served as chairman of the committee on foreign relations and as a member of the committee on expenditure of public money. He was president of the Senate pro tempore, 1885-1887, and was a candidate for the nomination for the presidency in 1884 and in 1888. He resigned his seat in the Senate in 1897 to become secretary of state under President McKinley, but his health failed, and after a short term of service he resigned, April 23, 1898, and retired to private life, being succeeded by William R. Day. He died in Washington, D. C., October 22, 1900.

John Sherman's title to enduring fame rests chiefly on the resumption of specie payments in 1879 which was more largely due to him than perhaps any other one man. Fortunately he was secretary of the treasury when the act went into effect. In speaking of his service to the country at this time Theodore Burton has said, "In the management of the treasury, as a departmental organization, Secretary Sherman showed a skill and ability not surpassed by anyone who has ever held the office."

In 1895 appeared "John Sherman's Recollections of Forty Years in the House, Senate and Cabinet." This autobiography in two volumes is a revelation of the author in retrospect as he saw himself and an illuminating work on the political history of the times. In 1907 was published "John Sherman, His Life and Public Services," by Winfield S. Kerr, in two volumes. An excellent shorter review is found in "John Sherman," by Theodore Burton, published in 1906, in the American Statesmen Series.

THOMAS A. HENDRICKS

Thomas Andrews Hendricks was born on a farm in Muskingum County, Ohio, September 7, 1819, son of Major John and Jane (Thomson) Hendricks and a nephew of William Hendricks. In the spring of 1822 his parents moved to Shelby County, Indiana, and while a resident of that county, his father was appointed by President Jackson deputy surveyor of public lands and in 1832 took up a homestead on the site of Shelbyville, Indiana.

Thomas A. Hendricks was prepared for college at the Shelby County Seminary and entered Hanover College in 1841. Absence during the last three months of his senior year prevented his obtaining a diploma with the class, but he was afterwards placed on the list of the alumni. He studied law with Stephen Major of Shelbyville in 1842 and with his uncle, Judge Alexander Thomson at Gettysburg College, Cham-

bersburg, Pennsylvania, in 1843; was admitted to the bar at Shelbyville, Indiana, in 1843 and practiced there from 1843 to 1850.

In 1848 he was elected as a democrat to the State Legislature and he was a member of the State Constitutional Convention of 1850. He represented the Indianapolis district in the 32nd and 33rd Congresses, from 1851 to 1855; was United States commissioner of the general land office by appointment of President Pierce, 1855-59; was the unsuccessful democratic candidate for governor of Indiana in 1860 against Henry S. Lane; and served as president of the democratic state convention of 1862. He was a United States senator from 1863 to 1869, and served on the committees on claims, public buildings, the judiciary, public lands and naval affairs. He opposed the reconstruction measures, the test oath, the civil rights bill, the freemen's bureau bill and the impeachment of President Johnson. He favored large appropriations for vigorously prosecuting the war for the union and proposed an increase of soldiers' pay to meet the depreciation of the currency. He was candidate for president of the United States before the Democratic National Convention of 1868, held in New York City, and on the twenty-first ballot, with Gen. W. S. Hancock leading with 135½ votes, he stood second with 132 votes, when the name of Horatio Seymour was so forcibly presented as to carry the convention. He was the unsuccessful democratic candidate for governor of Indiana against Acting Governor Conrad Baker. He was defeated for reelection to the United States Senate, the Legislature being largely republican, and returned to his law practice in Indianapolis. He supported the Cincinnati nominations in 1872 and in October of the same year was the successful candidate for governor of Indiana. In 1875 his duty to his party in the state, the lieutenant governor being a republican, made him unavailable for United States senator and Joseph E. McDonald was elected by the democratic Legislature. In the Democratic National Convention of 1876 held at St. Louis, Missouri, on the first ballot Mr. Hendricks received 133½ votes to 403½ for Mr. Tilden and seventy-five for General Hancock. On the second ballot Mr. Tilden was nominated and on the following day Mr. Hendricks received 730 of the 738 votes of the delegates for the second place on the ticket and was then unanimously nominated as candidate for vice president. The electoral commission decided the election in March, 1877, in favor of Hayes and Wheeler and Mr. Hendricks visited Europe in June, returning to the United States in October. He was a delegate to the Democratic National Convention at Chicago in 1884 and on behalf of the Indiana delegation nominated Joseph E. McDonald of that state as their choice for candidate for president. After the nomination of Grover Cleveland, the entire 816 votes of the convention were cast for Thomas A. Hendricks as the vice presidential candidate. He assumed his duties as vice president on March 4, 1885, presiding over the United States Senate to the close of its special session, April 3, 1885. He died in Indianapolis, Indiana, November 25, 1885.

WHITELAW REID

Whitelaw Reid was born near Xenia, Ohio, October 27, 1837, son of Robert Charlton and Marian (Ronalds) Reid, and a grandson of James Reid, a Scotch covenanter, who immigrated to America in 1783 and after residence until 1800 in Western Pennsylvania and Fayette County, Kentucky, became a founder of the Town of Xenia, Ohio.

Whitelaw Reid was graduated at Miami University, Bachelor of Arts, 1856; Master of Arts, 1859; taught school, 1856-1858; edited the Xenia News, 1858-1859; was correspondent for the Cincinnati Gazette in 1861; war correspondent, 1861-1862; served as aide-de-camp on the staffs of Thomas A. Morris and W. B. Rosecrans in the two Western Virginia campaigns and was with Grant at the Battle of

Shiloh. He was Washington and war correspondent of the Gazette, 1862-1868, and finally one of its proprietors and editors; served as clerk of the military committee of the Thirty-seventh Congress, 1862-1863; was librarian of the United States House of Representatives, 1863-1866, and engaged in cotton planting in Concordia Parish, Louisiana, 1866-1867. He became an editorial writer of the New York Tribune by invitation from Horace Greeley, in 1868; managing editor in 1869; editor-in-chief in 1872, and chief proprietor on the death of Mr. Greeley.

He declined the office of United States Minister to Germany, tendered by President Hayes in 1877, and by President Garfield in 1881; served as United States Minister to France by appointment from President Harrison, 1889-1892; was chairman of the New York Republican State Convention in 1892, and was the republican nominee for Vice President of the United States on the ticket with Benjamin Harrison, in 1892. He was appointed by President McKinley special ambassador of the United States to Queen Victoria's Diamond Jubilee, in 1897; was a member of the Peace Commission to Paris, negotiating the treaty with Spain in 1898, and special ambassador of the United States to the coronation of Edward VII, of England, in 1902.

He is the author of "After the War, a Southern Tour," 1867; "Ohio in the Civil War," 1868; "Schools of Journalism," 1870; "Newspaper Tendencies," 1874; "Town Hall Suggestions," 1881; "Two Speeches of the Queen's Jubilee," 1897; "Some Consequences of the Last Treaty of Paris," 1899; "Our New Duties," 1899; "Later Aspects of Our New Duties," 1899; "A Continental Union," 1900; "Our New Interests," 1900; "Problems of Expansion," 1900; "A Biographical and Memorial Sketch of Horace Greeley." He died March 28, 1912.

CHARLES GATES DAWES

Charles Gates Dawes is an Ohioan. His ancestors were pioneers of the state. They were more than that; they were the founders of the free institutions of the Buckeye commonwealth. They included Manasseh Cutler, the leading spirit of the Ohio Company, his son Ephraim, and Beman Gates, the two latter members of the Constitutional Convention of 1802 who rendered valiant service in the preservation of the basic principles of the Ordinance of 1787.

Gen. Charles Gates Dawes was born in Marietta August 7, 1865. He is the son of Gen. Rufus R. and Mary Beman (Gates) Dawes and brother of Beman Gates and Rufus Cutler Dawes.

His father, Gen. Rufus R. Dawes, was born in Malta, Morgan County, Ohio, July 4, 1838. He was graduated from Marietta College in 1860 and soon afterwards went to Wisconsin, where he was at the outbreak of the Civil war. He promptly raised a company of volunteers, was chosen their captain and entered the Union army in 1861. He had a brilliant military career. He participated in the battles of Bull Run, South Mountain, Antietam, Fredericksburg, Chancellorsville, Gettysburg, Laurel Hill, Spottsylvania Court House, Cold Harbor, Petersburg and other important engagements. In these the regiment of Gen. Rufus R. Dawes lost heavily. At the Battle of Antietam, while he was serving as major, he had command of the regiment through most of the hard fighting. A number of color guards had fallen under the flag. Major Dawes in the hottest of the fight seized the falling colors and bore them forward. The staff was shattered in his hands, but the flag did not fall. After the close of the war Rufus R. Dawes, who had been promoted a number of times and was breveted brigadier-general, was elected to Congress.

The son, Charles Gates Dawes, inherits the ability, courage and patriotism of his ancestors. Following in the footsteps of his father, he was graduated from Marietta College in 1884 and from Cincinnati

Law School in 1886. In the latter year he was admitted to the bar and practiced law in Lincoln, Nebraska, 1887-1894. He afterward moved to Evanston, Illinois, and engaged in business.

Gen. Charles Gates Dawes never forgot his allegiance to his native state. In the campaign of William McKinley for the presidential nomination in 1896, there was a movement in a number of states to put forth favorite sons and thus defeat Ohio's candidate. Illinois had then a distinguished and popular United States senator in the person of Shelby M. Cullom, who was prominently mentioned for the nomination. Charles G. Dawes entered enthusiastically into the Illinois contest and was influential in swinging that state to the support of William McKinley. He took a very active part in the campaign that followed. He was appointed comptroller of the currency by President McKinley and served in that position from 1897 to 1902. In the latter year he became chairman of the Central Trust Company of Illinois in Chicago, a position which he has since held.

A great sorrow came into the life of Charles G. Dawes. In 1912 he lost by drowning a promising son. Like some of his famous ancestors it had been his habit to keep a journal in which he recorded not only his personal activities but his observations on men and events. Under date of August 21, 1917, at Saint Nazaire, France, he explains why his journal was suspended and after an interval of five years renewed, in the following brief paragraph:

"I gave up my journal in 1912 after the tragic death of my dearly beloved son, Rufus Fearing. In the course of the day's work I have become a military man, and am living in the midst of events so important that a record of them will be interesting to others and to myself later."

There are two other brief references to the loss of his son in the two ample volumes of his most interesting and valuable printed work, "A Journal of the Great War."

He relates the following touching incident that occurred after he reached Paris and was riding one day with General Pershing:

"Neither of us was saying anything, but I was thinking of my lost boy and John's loss and looking out of the window, and he was doing the same thing on the other side of the automobile. We both turned at the same time and each was in tears. All John said was, 'Even this war can't keep it out of my mind.' "

General Pershing was referring to the death by fire of his wife and their children at the Presidio, San Francisco, California.

Again, on February 5, 1918, he makes this record:

"Wayne Stacey, one of Rufus Fearing's classmates and friends, called on me today. He is a major. I do not seem to get over the loss of my dear, dear boy."

These are the only references to a grief that has never wholly left him, an unselfish grief that has broadened his sympathies for his fellow men—especially those who like himself have been touched to the heart by a great sorrow.

When the World war came and drew the United States into its red whirlwind, he did not have a son to give, and he went himself. The declaration of war found him at the age of fifty-two years with one supreme desire—to serve his country overseas—to do his part with the legions of younger men who were hastening to the far-flung battleline in desolated France.

In his journal he states frankly how he succeeded in getting into the military service and he does this in a single sentence:

"Through the friendship of S. M. Felton, Director General of Railways, a member of the board of directors of the Central Trust Company of Illinois, and the cooperation of John Pershing, my old friend, I received a commission as Major of Engineers (Seventeenth Regiment, National Army)."

On May 27, accompanied by Major John S. Sewell, a graduate from West Point with twenty years' service in the army, he left Chicago to enter upon a course of intensive training for overseas service. He assisted in recruiting the regiment. About forty men enlisted from his old home, Marietta, Ohio, and about twenty from Columbus, Ohio. All told, about 350 enlisted from the North and 750 from the South, making the Seventeenth Engineers, as he declared, "a splendid group."

The work in camp was new to him. He was physically well preserved but, of course, not quite so supple as in his college days. "The tactics," said he, "came a little hard for me, but I was soon drilling a battalion and feeling thoroughly at home in it. Colonel Sewell was more than kind in giving me every opportunity to develop along military lines. I found I did not mind long marches or horseback riding and became acclimated soon."

Major Sewell was later promoted to Colonel and Major Dawes to Lieutenant-Colonel. When the latter was in Washington he met Herbert Hoover, who urged him to accept a position at the head of an organization to fix the price of grain in the United States. In urging him to accept Hoover said, "I can find a hundred men who will make better Lieutenant-Colonels of Engineers, and I want you right here." The offer was promptly declined.

After Dawes had returned to Atlanta, Hoover gave him, as he declares, "a great scare" by wiring him, "Would you bear me implacable resentment if I asked the President to assign you to me?" Dawes replied, "Under no circumstances do such a thing. It would be unfair and cruel, and I know you would not consider it."

"Heard no further from the matter," wrote Dawes in his journal, "to my great relief."

At last, the day of embarkation arrived. While the time of preliminary training had really been very short, it seemed long to those who were eager to reach France, especially if, as in the case of Lieutenant-Colonel Dawes, there was the haunting fear that he would be "drafted" for service on this side of the Atlantic.

The Seventeenth Regiment of Engineers reached New York City July 28, 1917, where it joined the Twelfth Regiment of Engineers and embarked on the Carmania. Dawes was placed in command of the regimental "boat drill." It was his duty to instruct the troops how to leave the vessel most expeditiously and safely in case of submarine attack. He writes interestingly of service in this new position. Among other things he says:

"From the commencement of my assignment in command of boat drill I slept with my clothes on in the 'after wheel house,' where the 'officers of the night' could reach me at a moment's notice, and from where I could reach the top of the 'after island,' which was to be my post in case of attack. During the long nights I made friends of the gunners who served the six-inch gun on the stern and of the after crew of the boat. They were very considerate. If they thought I was sleeping they all walked on 'tiptoe.' They were interesting companions all the way over. From them I gained much information about the submarine warfare, as I did from the ship's officers, who had most of them been on torpedoed vessels."

He details in very interesting way the zigzag voyage across the Atlantic and the good fortune of the Carmania in escaping torpedoes. The New York and the Belgic that sailed about the same time were not so fortunate.

August 11 Liverpool was reached in safety and the American soldiers entrained at once for the camp at Borden. Lieutenant-Colonel Dawes describes the journey by rail as follows:

"It was a long but interesting trip across England. Everywhere the people were waving flags and cheering along the route. It took us until 11 o'clock at night to reach Borden. The men had had only a sandwich

at noon. It was a cold, dark, rainy night. A British officer, on our arrival, asked me to form the battalion on the road near the station, which I did. And then occurred a demonstration of the reviving effect of music, for there appeared to lead us to camp a splendid British band. As it played the American marches and airs as we marched in the dark, it meant to us all that we were welcome, that after all we amounted to something, that somebody was glad to see us. I do not think that in the great London demonstration, when we marched for hours through cheering crowds—the first American troops ever to pass through the British capital—our men were so uplifted as when we marched along that lonely road that night, after a weary day, to camp. When we got there we found a fine supper waiting us. I managed to get four lines of men passing the soup cans at once instead of the one line our British friends had arranged, and in this way saved an hour of time at least."

He then pays high tribute to the British for the kindness and cordiality of their welcome and records briefly the reaction of the "new world in the midst of which he found himself":

"For myself I find everything new and interesting—the few hardships and all. As summary court officer for the regiment which I have been from the beginning, as a drillmaster and pupil, as a principal and a subordinate, as a ship officer and a military commander, I have found among these new friends and associates and in this new environment a new interest in life, a new career, however humble, to make, and in thinking back the only experience in my life with which I can compare it in its excitement are the early days of college life with its new friends and duties and competitions.

"One's civil accomplishments help some, but not much. Young and bright men are around you engaged in similar tasks. Comparison is always present. Competition sits at your side. All the artificial barriers which civil success and wealth have built around one fall away, and leave you but a man among men to make or unmake yourself as in the time of young manhood. And then as before, work and character and personality—tact and initiative and common sense—will commence to count. Humbleness and naturalness are the great protection against ignorance. I feel that I learned much in military life from the beginning by letting those 'who knew' know that I did not know, but that I wanted to learn."

He bears cordial testimony to the democratizing influence of army life:

"And while in civil life I felt I knew something, at this time and in this life I find I know very little or nothing. But I am learning every day. My hours of work, my time of rising and of going to bed, my food, my habits, my exercise are changed in a revolutionary way from my former life. And as a result I am vigorous, can endure more, eat more, and do more than I deemed possible heretofore. The outdoor life—the camp fare—I enjoy everything. I eat beans and cabbage and beets and rice with zest which I never could stand before. Even onions and a small degree of garlic do not stagger me. As for being particular as to whether the service is clean, as I used to be, it never occurs to me to look for dirt, I am so anxious to get something to eat. I am writing this right here for the benefit of the middle-aged business men. The joys of youth are still within our reach if we will only give over physical and mental indolence. When in army life you have some hardships—and you certainly do have them—there are a lot of good fellows going through the same thing at the same time, and the whole thing becomes laughable."

After reaching England the two regiments were joined by two others. The four regiments, the Twelfth, Thirteenth, Fourteenth and Seventeenth were invited by the British government to march through the City of London. This was very unusual. Since the days of William the Conqueror in 1066 no foreign armed troops had been permitted to march through that city. The people of England, who had suffered severely in the war, were somewhat discouraged and feared that the

American troops would not reach France in time to turn the tide of victory to the Allied cause. To reassure them that the great armies on the other side of the Atlantic would soon reach the theatre of war, the British cabinet invited these four regiments to march through the city. The plaudits with which they were received, the touching manifestations of gratitude on the part of the great crowds who came forth to greet them and the soldierly bearing of the Americans as they marched through the great city will long be remembered as a part of this thrilling incident of the great war. It has been celebrated by literary men of England who witnessed it and in verse on this side of the Atlantic:

A foreign flag and foreign arms
  And soldiers lithe and brown
Through open gates and open hearts
  Marched into London town;
While from the tower above the bridge
  That spans the river's tide
The Union Jack and Stars and Stripes
  Were floating side by side.

In London the regiments separated. The Seventeenth proceeded to Havre; crossed the Channel on a cattle boat and reached Havre without notable incident, the soldiers as usual then wearing life preservers during the entire time they were on board the vessel.

When they landed on French soil they marched to camp to the music of their own band. Failing in his effort to get musical instruments from the War Department, Dawes purchased these and presented them to the Regiment. It must not be forgotten that General Dawes is a musician of more than local note. It is said that in musical circles of his home city he is referred to as a musician who is also a great banker; while in financial circles he is regarded as a banker who is also a great musician. In his journal he bears testimony to the high value that he attaches to the cheering influence of music in the army.

At Havre he met and conversed with the Belgian Minister of Finance whose "unhappy country" was now reduced to a narrow strip of land ten miles wide and twenty miles long, "so narrow that great shells from the German army sometimes pass over it."

From Havre the Seventeenth Regiment proceeded to St. Nazaire. There was considerable disappointment among the men that they were not sent to the front as was the Twelfth that crossed the ocean with them. Here they found hard work putting this base of supplies into shape to handle the enormous quantities of freight. In this work Colonel Sewell won enviable fame and the distinguished service medal.

In the latter part of August he went to Paris and called on General Pershing who informed him that he wished him to organize and head a board which would coordinate all purchasing for the United States Army in France, including the Red Cross. He was told by General Pershing that his report on boat drill and method would be published for the use of the army. This change in his position virtually separated him from the Seventeenth Engineers. He now became closely associated with the Commander-in-Chief of the American Armies whose confidence and appreciation he kept through the remainder of the war. He proceeded at once to select the members of his board and apply his business judgment to the solution of the momentous problem before him. In a report to General Pershing September 9, 1917, he stated that the army would need "60,000 tons of freight space in ships from England to France now—50,000 for coal and 10,000 for general supplies; that by the first of February when our railroads here would commence to consume coal, we should need space for 150,000 tons of coal monthly in addition."

On September 12 he recorded his serious apprehensions in regard to the future, which were evidently shared by many of the Allied officers. He says in part:

"The more one learns of the actual conditions the less certain he feels as to the outcome of things. I came to France believing an Allied victory was only a matter of time. Now I can only feel that it is probable. The loss in tonnage (ships) for two weeks has been submitted to me. It is about 240,000 tons, or at the rate of nearly 500,000 tons per month. French officials are apprehensive as to the effect of the coming winter on the morale of the army and the people of Paris. Unless they can be kept warm, revolution is feared, or rather disorganization."

He frequently in his journal pays tribute to General Pershing declaring that "John is master of his great place. It has not affected his perspective or changed him in any way. He has the proper mixture of caution along with the tremendous initiative and executive capacity. He thinks a thing out, and then acts without indecision. He is very wise. When he starts our offensive it will be kept up."

While he did not take part in any actual combat on the field of battle, it is a mistake to conclude that he shunned any danger that came to him in the line of duty. In a letter to his mother dated October 23, 1917, he describes his visit to the Belgian battlefront. We quote as follows:

"I climbed the ladder to the observation station and with the glasses of the soldier who was there looked at the German line which was about four to five hundred yards further on.

"About this time the firing became more general between the Belgian and German lines. The shells would pass over our heads. Some of them sounded almost like a railroad train; some of them whined, and others made a sound similar to the firing of a sky-rocket. The airplanes were very active. Whenever the French or Belgian airplanes would come near the line, the German guns would open upon them and we could see the shells bursting around them. The Germans would also fire at them with machine guns. A machine gun sounds a good deal like a pneumatic hammer on a skyscraper which is being built, but since in Marietta you have probably not heard one I will bring you to a realization of it by stating that when in our childhood we boys used to run along the pavement in front of the house holding a stick hard against the pickets of the old fence; the resultant noise sounded like an infant machine gun."

By special recommendation of General Pershing Dawes was promoted to Colonel of Engineers early in January, 1918. General Pershing requested the honor of personally pinning upon his shoulders the eagles. This was done in Paris on his return from the Belgian battlefront. Under date of March 31, he describes the bombardment of that city in the follow incidental paragraph:

" 'Big Bertha' (the long-range German gun) has been pretty active yesterday—and started again this afternoon. Went for a minute into the church where the shell killed and wounded 160 at one shot on last Friday. As I came out of the door of the church another shell exploded in the neighborhood. The crowds were kept away from the church, but the officers passed me through. We are being bombarded and 'air-raided' right along these days."

He gives an interesting account of how General Pershing reached the conclusion to turn over his forces to the Allies at the critical time of the war. This conclusion was not hastily reached but Colonel Dawes bears enthusiastic testimony to its efficacy. As the months passed on he saw more and more of the tragedy of the war. Under date of August 16, 1918, he records a trip to the battlefield of Soissons:

"We reached the brow of the hill through an underground passage, but upon reaching there emerged in view of the valley and of the Germans as it proved. We watched the effect of our shells on the German positions. Our troops occupy a part of Soissons and the Ger-

mans are in the outskirts. We walked back to the Colonel's dugout and when we were there the Germans opened fire, dropping four large shells within 150 yards of us."

Here are a few lines of description from his record of September 9:

"We went about eight or ten kilometers beyond Soissons where we looked at the artillery action. A French deputy who had preceded us at this point two hours before was killed by a shell which burst in his party."

Occasionally the narrative is enlivened by a bit of humor. Here is an instance under the date of September 10, 1918, just before the great St. Mihiel victory of the American army:

"Returned to Paris as usual at forty miles per hour. I often wonder at my peace-time conservatism in regard to speeding. It makes a difference when you have to do anything. Theoretically, nothing mapped out for our Services of Supply is possible considering the increasing importation of our troops, but practically, we will take care of them. Dwight Morrow's story is applicable. A father was telling his little boy a story. He said, 'The alligator had his mouth open and was about to close it on the turtle, when the turtle suddenly climbed a tree and hid himself in the foliage.' 'But, papa,' said the little boy, 'a turtle can't climb a tree.' To which papa replied, 'But this turtle had to.' "

The latter part of the summer of 1918 was a period of intense activity at the headquarters of General Pershing, and Colonel Dawes was at work almost night and day. There is a pathetic interest in the following, written under date of October 8:

"At and around Montfaucon we were in the midst of the artillery, and a battery of 155s—four in succession firing within fifty feet of me —well-nigh burst my ear drums. This was after our return from our observation post. Much aerial activity and heavy anti-aircraft and machine-gun work directed at Boche machines was going on. My heart was heavy with pity for the wounded in the long lines of ambulances swaying along over the roads so rough that at times their agony must have been excruciating. It was less difficult to look upon the dead. Some mother's son lay sleeping the last long sleep near our observation post. In the frightful noise all around he looked strangely peaceful and rested."

The confidential relations between General Pershing and Colonel Dawes enabled the latter to give a very clear insight of Pershing's views in regard to the Armistice terms. There is an interesting description of the operations in the Argonne which Colonel Dawes considers the greatest of American battles and in which a number of his relatives rendered distinguished service. The signing of the Armistice on November 11 called forth the following brief statement from General Dawes: "The greatest struggle of humanity ended today with the signing of the Armistice by the Germans." And he continues in his record for that day with the following touching reflection:

"Somehow—and I think it is true of almost everyone else—I keep thinking of what I have seen and of those who made all this possible, but themselves cannot know of it as they sleep buried in the wheat fields and by the roadways of Northern France. I could not cheer to save my life, but I have to try hard all the time to keep from crying."

Charles G. Dawes won a Brigadier General's commission, the Distinguished Service Medal, the Croix de Guerre and other decorations. In the great World war he was a good soldier and under all circumstances a courageous, tender-hearted, manly American.

"The bravest are the tenderest
The loving are the daring."

The journal of General Dawes, exhibiting as it does a continuous record of his services in the American army, is a most interesting and informing contribution to the history of the mighty conflict and a revela-

tion of the responsibilities that rested on the shoulders of those in command. In it one reads the hopes and fears that alternately buoyed and depressed the chieftains of the Allied cause and the stupendous problems involved in the transportation of the American forces to foreign lands and their equipment and maintenance on the far-flung battle line.

Like his father in the Civil war, Charles G. Dawes was regularly promoted until he reached the rank of brigadier general. At the first opportunity he had volunteered his services in the World war. He was with the first regiments that reached France. From declaration of war by the United States he was in close contact with the business problems involved in the struggle. No officer in the American army had better opportunities for observing its progress or a more comprehensive grasp of its results.

The World war was so stupendous and we are still so close to it that we cannot measure its mighty proportions. We are in the midst of its aftermath. Its burdens will rest on the shoulders of the world until the generation that now is has passed on.

The problems that it has left, social, moral and economic, will be the problems of government for years to come. General Dawes is not a military strategist. He is a business strategist, with an appreciation of sound sense and elemental justice. His methods are open and above board. They have won where secret bickering and "diplomacy" have failed. His achievements at the head of the Federal Budget System and on the Reparations Commission are triumphs of statesmanship, the results of business equipment, of talent and practical knowledge of the problems involved.

The nomination and election of General Dawes to the office of Vice President of the United States; his effort to reform the procedure of the United States Senate, and the success of the "Dawes Plan" for the adjustment and payment of claims against Germany for the destruction of property in the World war—all these are matters of recent history and need not be recounted here. His ripe and varied experience fits him for future service. He has faith in the American people, in our free institutions and their assured future. His earnest active life has a background of healthful optimism. He himself has said: "Thank heaven, I never stayed a pessimist over night in my life."

SENATOR JOHN SMITH

The following is a correct statement of certain facts regarding Senator John Smith, to whom reference was made in sketches of men of the First Constitutional Convention:

Senator Smith, realizing that his usefulness as a member of the Senate was gone, resigned in a letter to Governor Kirker. On December 10, 1808, Return Jonathan Meigs, Jr., was elected to fill the unexpired portion of the term of John Smith, and on the next day he was also elected for the full term commencing March 4, 1809. Returning to Ohio, Mr. Smith after closing up his business affairs, removed to St. Francisville, Louisiana, where he died in 1824. In his latter days he resumed the preaching of the Gospel, and free from the turmoil and intrigue of politics, he closed his life in peace and contentment.

MEN OF THE CONSTITUTIONAL CONVENTION OF 1912

Many of the members of this convention are still living. Some have passed to the great beyond. A goodly number have attained eminence in the public service.

A. Vic Donahey, who now insists on writing his name Vic Donahey, was elected state auditor in 1912, and was later promoted to the

governorship of Ohio, a position which he still holds. Extended reference to his public service is found elsewhere in these volumes.

John R. Cassidy, who has been wishing to get out of politics, ever since he was elected probate judge of Logan County on the Democratic ticket, was a member of the convention, and had been in the service of the state as clerk of the house of representatives and member of the tax commission since 1912.

Thad H. Brown, who was an assistant in the office of the secretary, in spite of his youth was appointed civil service commissioner and has since been twice elected, by large majorities, to the office of secretary of state. At this date he admits that he has gubernatorial ambitions.

Many other members of the convention have been honored in their respective municipalities, counties and districts by election to positions of trust and honor. Following are sketches of the president of the convention and members who prior to 1912 or subsequently served in the Congress of the United States:

Simeon D. Fess

Simeon D. Fess was born on a farm in Allen County, Ohio, December 11, 1861. He was graduated with the degree of Bachelor of Arts from the Ohio Northern University in 1889, and received other degrees from this institution as follows: Master of Arts in 1891, and Bachelor of Laws in 1896. In 1900 he received the degree of Doctor of Laws. He was head of the American history department in the Ohio Northern University from 1889 to 1897; director of the college of law, 1897 to 1900; vice president of Ohio Northern University; student and lecturer in the University of Chicago from 1902 to 1907; president of Antioch College from 1907 to 1917; vice president of the Ohio Constitutional Convention, 1912; represented the Sixth Ohio District in Congress from 1913 to 1915, and the Seventh District from 1915 to 1923, serving in the Sixty-third to Sixty-seventh Congress inclusive; chairman of the committee on education; member of the library and rules committees in the house; chairman of the national congressional committee in charge of congressional elections from 1918 to 1920; nominated for United States senator at the Republican primaries August 8 and elected November 7, 1922, by a majority of 50,601. Member of inter-state commerce, library, printing, contingent expenses, and public buildings and grounds committees of the senate. His home is at Yellow Springs, Ohio.

Robert Crosser

Robert Crosser was born June 7, 1874, at Holytown, Lanarkshire, Scotland, and moved to Cleveland, Ohio, with his parents in 1881. He attended public schools at Salineville, Ohio, graduating from the high school in 1893; then entered Kenyon College at Gambier, Ohio, where he graduated with the degree of Bachelor of Arts in 1897; attended the law school of Columbia University one year and the Cincinnati Law School from October, 1898, until he was graduated with the degree of Bachelor of Laws in 1901. Member of the state house of representatives 1911-1912, and was the author of the municipal initiative and referendum bill passed by the legislature in 1911; was a member of the fourth constitutional convention of Ohio in 1912, was chairman of the initiative and referendum committee and author of the initiative and referendum amendment to the constitution. Was elected to the Sixty-third Congress from the state at large; elected to the Sixty-fourth Congress from the Twenty-first Ohio District, and reelected to the Sixty-fifth, and again elected to the Sixty-eighth and Sixty-ninth congresses.

Herbert S. Bigelow

Herbert S. Bigelow was born January 4, 1870. He was graduated from the Western Reserve University in 1894 with the degree of

Bachelor of Arts; prepared for the ministry in the Lane Theological Seminary. He was ordained as minister in the Congregational Church in 1896, and became pastor of the Vine Street Church in Cincinnati, later known as the People's Church and Town Meeting. He was prominent in social reform movements, and became widely known as a lecturer. He was Democratic candidate for secretary of state of Ohio in 1902; secretary of Ohio Direct Legislation League; was prominent in the campaign for direct legislation in Ohio. In 1911 he was elected a delegate to the Ohio Constitutional Convention of 1912, and on the assembling of that body was chosen its president. In the November election of 1912 he was elected a member of the Ohio house of representatives and served one term. At the conclusion of this legislative service he returned to the ministry and the lecture field.

Nelson Edwin Matthews

Nelson Edwin Matthews was born at Ottawa, Ohio, April 14, 1852. He was educated in the public schools, and early entered the employ of a banking firm in his native city. He became a partner in the bank in 1878, and later president. He retired from the banking business in 1911; was director of the Putnam Telephone Company of Ottawa; delegate to the Republican National Convention in 1908; member of the Ohio Constitutional Convention in 1912. He was elected as a republican to the Sixty-fourth Congress and served from March 4, 1915, to March 3, 1917. He died in 1917.

William W. Campbell

William W. Campbell was born in Rochester, Vermont, April 2, 1853. He attended the Goddard Seminary at Barre, Vermont, and Tufts College, Massachusetts; studied law, was admitted to the bar and practiced in Napoleon, Ohio; served as prosecuting attorney for Henry County, Ohio, from 1894 to 1897; was elected as a republican to the Fifty-ninth Congress, and served from March 4, 1905, to March 3, 1907; resumed the practice of law in Napoleon; was a member of the Ohio Constitutional Convention of 1912.

"JOHNNY APPLESEED"

This is the familiar name by which John Chapman, the pioneer nurseryman, was known in his day. His real name was John Chapman. He was the son of Nathaniel Chapman, a captain in the Revolutionary army, and was born near Cambridge, Massachusetts, about 1768. This is the information that has been handed down by the Chapman family, and it finds confirmation in the official records of Massachusetts Soldiers and Sailors of the Revolutionary War. The statement is there made that Nathaniel Chapman was captain of "wheelwrights." He also served as captain in a regiment of artillery artificers.

"Johnny Appleseed" was noted for his eccentricities and benevolence. He planted nurseries in different parts of Ohio and distributed the trees among the early settlers. He went poorly clad, but did not make any effort to realize money from his nursery ventures. He seemed to work chiefly to benefit his fellow man. He was a non-resistant, a vegetarian, and opposed to shedding the blood of any living creature. He would not kill even a snake that he found in his way.

Many of the early orchards of Ohio were planted from his nurseries. A few of these trees are said to be still standing and bearing fruit.

"Johnny Appleseed" died near Fort Wayne, Indiana, March 11, 1843. There has been much romancing and unreliable tradition in regard to this remarkable character, but the historic "Johnny Appleseed" is a unique and very interesting personality.

WOMEN WHO HAVE SERVED IN THE LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE

Six women were elected to the Eighty-fifth General Assembly, two to the Senate, Nettie B. Loughead of Hamilton County and Maud C. Wait of Cuyahoga County; and four to the House, Nettie M. Clapp of Cuyahoga County; Lulu T. Gleason of Lucas County, Adelaide S. Ott of Mahoning County and May Van Wye of Hamilton County.

Ten women were elected to the Eighty-sixth General Assembly, two in the Senate, Nettie B. Loughead of Hamilton County and Maud C. Wait of Cuyahoga County; and eight in the House, Nettie M. Clapp, Grace E. Makepeace and Clara Wood Derr of Cuyahoga County, Violet E. Romans of Franklin County, May M. Van Wye of Hamilton County, Florence H. Wells of Lucas County, Adelaide S. Ott of Mahoning County and Osa Penny of Montgomery County.

Upon Miss Florence E. Allen the electors of Ohio conferred a distinguished honor by electing her judge of the Supreme Court.

UNITED STATES SENATORS FROM OHIO

(Names arranged alphabetically, with dates of service and county of residence.)

Allen, William—1837-1849. Ross.
Brice, Calvin S.—1891-1897. Allen.
Brown, Ethan Allen—1822-1825. Hamilton.
Burnet, Jacob—1828-1831. Hamilton.
Burton, Theodore E.—1909-1915. Cuyahoga.
Campbell, Alexander—1809-1813. Brown.
Chase, Salmon P.—1849-1855, 1861. Hamilton.
Corwin, Thomas—1845-1850. Warren.
Dick, Charles—1904-1911, ——. Summit.
Ewing, Thomas—1831-1837, 1850-1851. Fairfield.
Fess, Simeon—1923- ——. Greene.
Foraker, Joseph B.—1897-1909. Hamilton.
Griswold, Stanley—1809, ——. Cuyahoga.
Hanna, Marcus A.—1897-1904. Cuyahoga.
Harding, Warren G.—1915-1921. Marion.
Harrison, William H.—1825-1828. Hamilton.
Kerr, Joseph—1814-1815. Ross.
Matthews, Stanley—1877-1879. Hamilton.
Meigs, Return J., Jr.—1808-1810. Washington.
Morris, Thomas—1833-1839. Clermont.
Morrow, Jeremiah—1813-1819. Warren.
Payne, Henry B.—1885-1891. Cuyahoga.
Pendleton, George H.—1879-1885. Hamilton.
Pomerene, Atlee—1911-1923. Stark.
Pugh, George E.—1855-1861. Hamilton.
Ruggles, Benjamin—1815-1833. Belmont.
Sherman, John—1861-1877, 1881-1897. Richland.
Smith, John—1803-1808. Hamilton.
Tappan, Benjamin—1839-1845. Jefferson.
Thurman, Allen G.—1869-1881. Franklin.
Tiffin, Edward—1807-1809. Ross.
Trimble, William A.—1819-1821. Highland.
Wade, Benjamin F.—1851-1869. Ashtabula.
Willis, Frank B.—1921- ——. Delaware.
Worthington, Thomas—1803-1807, 1810-1814. Ross.

OHIO CONGRESSMEN

(Names in alphabetical order, followed by number of Congress or Congresses, in which representative served or to which he was elected, with the county of his residence.)

Albright, Charles J.—thirty-fourth. Guernsey.
Alexander, James, Jr.—twenty-fifth. Belmont.
Alexander, John—thirteenth, fourteenth. Greene.
Allen, Alfred G.—sixty-second, sixty-third, sixty-fourth. Hamilton.
Allen, John W.—twenty-fifth, twenty-sixth. Cuyahoga.
Allen, William—twenty-third. Ross.
Allen, William—thirty-sixth, thirty-seventh. Darke.
Ambler, Jacob A.—forty-first, forty-second. Columbiana.
Anderson, Carl C.—sixty-first, sixty-second. Seneca.
Anderson, Charles M.—forty-ninth. Darke.
Andrews, Sherlock J.—twenty-seventh. Cuyahoga.
Ansberry, Timothy T.—sixtieth, sixty-first, sixty-second, sixty-third. Defiance.
Ashbrook, William A.—sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth. Licking.
Ashley, James M.—thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth. Lucas.
Atherton, Gibson—forty-sixth, forty-seventh. Licking.
Babka, John J.—sixty-sixth. Cuyahoga.
Badger, DeWitt C.—fifty-eighth. Franklin.
Ball, Edward—thirty-third, thirty-fourth. Muskingum.
Banning, Henry B.—forty-third, forty-fourth, forty-fifth. Hamilton.
Bannon, Henry T.—fifty-ninth, sixtieth. Scioto.
Barber, Levi—fifteenth, sixteenth. Washington.
Barrere, Nelson—thirty-second. Adams.
Bartley, Mordecai—eighteenth, nineteenth, twentieth, twenty-first. Richland.
Bathrick, Ellsworth R.—sixty-second, sixty-third, sixty-fifth. Summit.
Beach, Clifton B.—fifty-fourth, fifty-fifth. Cuyahoga.
Beall, Rezin—thirteenth. Wayne.
Beatty, John—fortieth, forty-first, forty-second. Morrow.
Beecher, Philemon—fifteenth, sixteenth, eighteenth, nineteenth, twentieth. Fairfield.
Begg, James T.—sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Erie.
Beidler, Jacob A.—fifty-seventh, fifty-eighth, fifty-ninth. Lake.
Bell, Hiram—thirty-second. Darke.
Bell, James M.—twenty-third. Guernsey.
Bell, John—thirty-first. Sandusky.
Berry, John—forty-third. Wyandot.
Bingham, John A.—thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-ninth, fortieth, forty-first, forty-second. Harrison.
Blake, Harrison G.—thirty-sixth, thirty-seventh. Medina.
Bliss, George—thirty-third, Portage; thirty-eighth, Wayne.
Bliss, Philemon—thirty-fourth, thirty-fifth. Lorain.
Bond, William Key—twenty-fourth, twenty-fifth, twenty-sixth. Ross.
Boothman, M. M.—fiftieth, fifty-first. Williams.
Bowdle, Stanley E.—sixty-third. Hamilton.
Brand, Charles—sixty-eighth, sixty-ninth. Champaign.
Brenner, John L.—fifty-fifth, fifty-sixth. Montgomery.
Brinkerhoff, Henry R.—twenty-eighth. Huron.
Brinkerhoff, Jacob—twenty-eighth, twenty-ninth. Richland.
Bromwell, Jacob H.—fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh. Hamilton.
Brown, Charles E.—forty-ninth, fiftieth. Hamilton.

Brown, Seth W.—fifty-fifth, fifty-sixth. Warren.
Brumbaugh, Clement—sixty-third, sixty-fourth, sixty-fifth, sixty-sixth. Franklin.
Brush, Henry—sixteenth. Ross.
Buckland, Ralph E.—thirty-ninth, fortieth. Sandusky.
Bulkley, Robert J.—sixty-second, sixty-third. Cuyahoga.
Bundy, Hezekiah H.—thirty-ninth, forty-third, fifty-third. Jackson.
Burns, Joseph—thirty-fifth. Coshocton.
Burton, Theodore—fifty-first, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-seventh, sixty-eighth, sixty-ninth. Cuyahoga.
Bushby, George H.—thirty-second. Marion.
Butterworth, Benjamin—forty-sixth, forty-seventh, forty-ninth, fiftieth, fifty-first. Hamilton.
Cable, John L.—sixty-seventh, sixty-eighth. Allen.
Cable, Joseph—thirty-first, thirty-second. Carroll.
Caldwell, James—thirteenth, fourteenth. Belmont.
Caldwell, John A.—fifty-first, fifty-second, fifty-third. Hamilton.
Campbell, James E.—forty-eighth, forty-ninth, fiftieth. Butler.
Campbell, John W.—fifteenth, sixteenth, seventeenth, eighteenth, nineteenth. Adams.
Campbell, Lewis D. — thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, forty-second. Butler.
Campbell, William W.—fifty-ninth. Henry.
Canby, Richard S.—thirtieth. Logan.
Carey, John—thirty-sixth. Wyandot.
Cary, Samuel F.—fortieth. Hamilton.
Cartter, David K.—thirty-first, thirty-second. Stark.
Cassidy, James H.—sixty-first. Cuyahoga.
Cassingham, John W.—fifty-seventh, fifty-eighth. Coshocton.
Chalmers, William W.—sixty-seventh, sixty-eighth. Lucas.
Chambers, David—seventeenth. Muskingum.
Chaney, John—twenty-third, twenty-fourth, twenty-fifth. Fairfield.
Clark, Reader W.—thirty-ninth, fortieth. Clermont.
Claypool, Horatio C.—sixty-second, sixty-third, sixty-fifth. Ross.
Clendenen, David—thirteenth, fourteenth. Trumbull.
Cockerill, Joseph R.—thirty-fifth. Adams.
Coffin, Charles D.—twenty-fifth. Columbiana.
Cole, Ralph D.—fifty-ninth, sixtieth, sixty-first. Hancock.
Cole, R. Clint—sixty-sixth, sixty-seventh, sixty-eighth. Hancock.
Converse, George L.—forty-sixth, forty-seventh, forty-eighth. Franklin.
Cook, Eleutheros—twenty-second. Huron.
Cooper, John G.—sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Mahoning.
Cooper, William C.—forty-ninth, fiftieth, fifty-first. Knox.
Corwin, Moses B.—thirty-first, thirty-second. Champaign.
Corwin, Thomas—twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, thirty-sixth, thirty-seventh. Warren.
Cowen, Benjamin S.—twenty-seventh. Belmont.
Cowen, Jacob P.—forty-fourth. Ashland.
Cox, Jacob Dolson—forty-fifth. Lucas.
Cox, James M.—sixty-first, sixty-second. Montgomery.
Cox, Samuel Sullivan—thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth. Franklin.
Crane, Joseph H.—twenty-first, twenty-second, twenty-third, twenty-fourth. Montgomery.
Creighton, William, Jr.—thirteenth, fourteenth, twentieth, twenty-first, twenty-second. Ross.
Crosser, Robert — sixty-third, sixty-fourth, sixty-fifth, sixty-eighth, sixty-ninth. Cuyahoga.
Crouse, George W.—fiftieth. Summit.

Crowell, John—thirtieth, thirty-first. Trumbull.
Cummins, John D.—twenty-ninth, thirtieth. Tuscarawas.
Cunningham, Francis A.—twenty-ninth. Preble.
Cutler, William P.—thirty-seventh. Washington.
Danford, Lorenzo—forty-third, forty-fourth, forty-fifth, fifty-fourth, fifty-fifth, fifty-sixth. Belmont.
Davenport, John—twentieth. Belmont.
Davey, Martin L. — sixty-fifth, sixty-sixth, sixty-eighth, sixty-ninth. Portage.
Dawes, Beman G.—fifty-ninth, sixtieth. Washington.
Dawes, Rufus R.—forty-seventh. Washington.
Day, Timothy C.—thirty-fourth. Hamilton.
Dean, Ezra—twenty-seventh, twenty-eighth. Wayne.
Delano, Columbus—twenty-ninth, thirty-ninth, fortieth. Knox.
Denver, Matthew R.—sixtieth, sixty-first, sixty-second. Clinton.
DeWitt, Francis B.—fifty-fourth. Paulding.
Dick, Charles—fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth. Summit.
Dickey, Henry L.—forty-fifth, forty-sixth. Highland.
Dickinson, Edward F.—forty-first. Sandusky.
Dickinson, Rudolphus—thirtieth. Sandusky.
Disney, David T.—thirty-first, thirty-second, thirty-third. Hamilton.
Doan, Robert E.—fifty-second. Clinton.
Doane, William—twenty-sixth, twenty-seventh. Cuyahoga.
Dodds, Ozro J.—forty-second. Hamilton.
Donovan, Dennis D.—fifty-second, fifty-third. Henry.
Douglas, Albert—sixtieth, sixty-first. Ross.
Duncan, Alexander—twenty-fifth, twenty-sixth, twenty-eighth. Hamilton.
Duncan, Daniel—thirtieth. Licking.
Dungan, Irvine—fifty-second. Jackson.
Eckley, Ephraim R.—thirty-eighth, thirty-ninth, fortieth. Carroll.
Edgerton, Alfred P.—thirty-second, thirty-third. Defiance.
Edgerton, Sidney—thirty-sixth, thirty-seventh. Summit.
Edwards, John S.—thirteenth. Trumbull.
Edwards, Thomas O.—thirtieth. Fairfield.
Eggleston, Benjamin—thirty-ninth, fortieth. Hamilton.
Ellison, Andrew—thirty-third. Brown.
Ellsberry, William W.—forty-ninth. Brown.
Emerie, Jonas R.—thirty-fourth. Highland.
Emerson, Henry I.—sixty-fourth, sixty-fifth, sixty-sixth. Cuyahoga.
Enochs, William H.—fifty-second, fifty-third. Lawrence.
Evans, Nathan—thirtieth, thirty-second. Guernsey.
Ewing, Thomas—forty-fifth, forty-sixth. Fairfield.
Faran, James J.—twenty-ninth, thirtieth. Hamilton.
Fenton, Lucien J.—fifty-fourth, fifty-fifth. Adams.
Fess, Simeon D. — sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh. Greene.
Finck, William E.—thirty-eighth, thirty-ninth, forty-third. Perry.
Findlay, James — nineteenth, twentieth, twenty-first, twenty-second. Hamilton.
Finley, Ebenezer B.—forty-fifth, forty-sixth. Crawford.
Fisher, David—thirtieth. Clinton.
Fitzgerald, Roy G.—sixty-seventh, sixty-eighth, sixty-ninth. Montgomery.
Fitzgerald, W. T.—sixty-ninth. Darke.
Fletcher, Brooks—sixty-ninth. Marion.
Florence, Elias—twenty-eighth. Pickaway.
Follett, John F.—forty-eighth. Hamilton.
Foran, Martin A.—forty-eighth, forty-ninth, fiftieth. Cuyahoga.
Foster, Charles — forty-second, forty-third, forty-fourth, forty-fifth. Seneca.

Foster, Israel M.—sixty-sixth, sixty-seventh, sixty-eighth. Athens.
Francis, William B.—sixty-second, sixty-third. Belmont.
Fries, George—twenty-ninth, thirtieth. Columbiana.
Gahn, Harry C.—sixty-seventh. Cuyahoga.
Galloway, Samuel—thirty-fourth. Franklin.
Gantz, Martin K.—fifty-second. Miami.
Garber, Harvey C.—fifty-eighth, fifty-ninth. Darke.
Gard, Warren—sixty-third, sixty-fourth, sixty-fifth, sixty-sixth. Butler.
Gardner, Mills—forty-fifth. Fayette.
Garfield, James A. — thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth. Portage.
Gaylord, James M.—thirty-second. Morgan.
Gazlay, James—eighteenth. Hamilton.
Geddes, George W. — forty-sixth, forty-seventh, forty-eighth, forty-ninth. Richland.
Giddings, Joshua R.—twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth. Ashtabula.
Gill, Joseph J.—fifty-sixth, fifty-seventh, fifty-eighth. Jefferson.
Goebel, Herman P.—fifty-eighth, fifty-ninth, sixtieth, sixty-first. Hamilton.
Goeke, J. Henry—sixty-second, sixty-third. Auglaize.
Goode, Patrick G.—twenty-fifth, twenty-sixth, twenty-seventh. Shelby.
Goodenow, John M.—twenty-first. Jefferson.
Gordon, Robert B.—fifty-sixth, fifty-seventh. Auglaize.
Gordon, William—sixty-third, sixty-fourth, sixty-fifth. Cuyahoga.
Green, Frederick W.—thirty-second, thirty-third. Seneca.
Groesbeck, William S.—thirty-fifth. Hamilton.
Grosvenor, Charles H.—forty-ninth, fiftieth, fifty-first, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth. Athens.
Gunckel, Lewis B.—forty-third. Montgomery.
Gurley, John A.—thirty-sixth, thirty-seventh. Hamilton.
Hall, Lawrence W.—thirty-fifth. Crawford.
Hamer, Thomas L.—twenty-third, twenty-fourth, twenty-fifth, thirtieth. Brown.
Hamilton, Cornelius S.—fortieth. Union.
Hamlin, Edward S.—twenty-eighth. Lorain.
Harding, J. Eugene—sixtieth. Butler.
Hare, Darius Dodge—fifty-second, fifty-third. Wyandot.
Harlan, Aaron—thirty-third, thirty-fourth, thirty-fifth. Greene.
Harper, Alexander—twenty-fifth, twenty-eighth, twenty-ninth, thirty-second. Muskingum.
Harris, Stephen D.—fifty-fourth. Crawford.
Harrison, John Scott—thirty-third, thirty-fourth. Hamilton.
Harrison, Richard A.—thirty-seventh. Madison.
Harrison, William Henry—fourteenth, fifteenth. Hamilton.
Hart, Alphonso—forty-eighth. Highland.
Harter, Michael D.—fifty-second, fifty-third. Richland.
Hastings, John—twenty-sixth, twenty-seventh. Columbiana.
Hayes, Rutherford B.—thirty-ninth, fortieth. Hamilton.
Haynes, William E.—fifty-first, fifty-second. Sandusky.
Heintz, Victor—sixty-fifth. Hamilton.
Helmick, William—thirty-sixth. Tuscarawas.
Herrick, Samuel—fifteenth, sixteenth. Muskingum.
Hildebrant, Charles Q.—fifty-seventh, fifty-eighth. Clinton.
Hill, William D.—forty-sixth, forty-eighth, forty-ninth. Defiance.
Himes, Joseph H.—sixty-seventh. Stark.
Hitchcock, Peter—fifteenth. Geauga.
Hoag, Truman—forty-first. Lucas.

Hoagland, Moses—thirty-first. Holmes.
Hollingsworth, David A.—sixty-first, sixty-fourth, sixty-fifth. Harrison.
Horton, Valentine B.—thirty-fourth, thirty-fifth, thirty-seventh. Meigs.
Houk, George W.—fifty-second, fifty-third. Montgomery.
Howard, William—thirty-sixth. Clermont.
Howell, Elias—twenty-fourth. Licking.
Howland, Paul—sixtieth, sixty-first, sixty-second. Cuyahoga.
Hubbell, James R.—thirty-ninth. Delaware.
Hulick, George W.—fifty-third, fifty-fourth. Clermont.
Hunter, William H.—twenty-fifth. Huron.
Hunter, William F.—thirty-first, thirty-second. Huron.
Hurd, Frank H.—forty-fourth, forty-sixth, forty-eighth. Lucas.
Hutchins, John—thirty-sixth, thirty-seventh. Trumbull.
Hutchins, Wells A.—thirty-eighth. Scioto.
Ikirt, George P.—fifty-third. Columbiana.
Irwin, William W.—twenty-first, twenty-second. Fairfield.
Jackson, Amos H.—fifty-eighth. Sandusky.
Jenkins, Thomas A.—sixty-ninth. Lawrence.
Jennings, David—nineteenth. Belmont.
Jewett, Hugh J.—forty-third. Franklin.
Johnson, Adna R.—sixty-first. Lawrence.
Johnson, Harvey H.—thirty-third. Ashland.
Johnson, John—thirty-second. Coshocton.
Johnson, Perley B.—twenty-eighth. Morgan.
Johnson, Tom L.—fifty-second, fifty-third. Cuyahoga.
Johnson, William—thirty-eighth. Richland.
Jones, Benjamin—twenty-third, twenty-fourth. Wayne.
Jones, John S.—forty-fifth. Delaware.
Jordan, Isaac M.—forty-eighth. Hamilton.
Joyce, James—sixty-first. Guernsey.
Kearns, Charles C.—sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Clermont.
Keifer, J. Warren—forty-fifth, forty-sixth, forty-seventh, forty-eighth, fifty-ninth, sixtieth, sixty-first. Clark.
Kennedy, James—fifty-eighth, fifty-ninth, sixtieth, sixty-first. Mahoning.
Kennedy, Robert P.—fiftieth, fifty-first. Logan.
Kennon, William—twenty-first, twenty-second, twenty-fourth. Belmont.
Kennon, William, Jr.—thirtieth. Belmont.
Kerr, Winfield Scott—fifty-fourth, fifty-fifth, fifty-sixth. Richland.
Key, John A.—sixty-third, sixty-fourth, sixty-fifth. Marion.
Kilbourne, James—thirteenth, fourteenth. Franklin.
Kilgore, Daniel—twenty-third, twenty-fourth, twenty-fifth. Harrison.
Knight, Charles L.—sixty-seventh. Summit.
Kyle, Thomas B.—fifty-seventh, fifty-eighth. Miami.
Lahm, Samuel—thirtieth. Stark.
Lamison, Charles N.—forty-second, forty-third. Allen.
Laning, J. Ford—sixtieth. Huron.
Lawrence, William—thirty-fifth. Guernsey.
Lawrence, William—thirty-ninth, fortieth, forty-first, forty-third, forty-fourth. Logan.
Layton, Fernando C.—fifty-second, fifty-third, fifty-fourth. Auglaize.
Leadbetter, Daniel F.—twenty-fifth, twenty-sixth. Holmes.
Leavitt, Humphrey H.—twenty-first, twenty-second, twenty-third. Jefferson.
LeBlond, Francis C.—thirty-eighth, thirty-ninth. Mercer.
Leedom, John P.—forty-seventh. Adams.
LeFevre, Benjamin — forty-sixth, forty-seventh, forty-eighth, forty-ninth. Shelby.
Leiter, Benjamin F.—thirty-fourth, thirty-fifth. Stark.
Lentz, John J.—fifty-fifth, fifty-sixth. Franklin.

Lindsley, William D.—thirty-third. Erie.
Little, John—forty-ninth. Greene.
Long, Alexander—thirty-eighth. Hamilton.
Longworth, Nicholas—fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Hamilton.
Loomis, Andrew W.—twenty-fifth. Columbiana.
Lybrand, Archibald—fifty-fifth, fifty-sixth. Delaware.
Lytle, Robert T.—twenty-third. Hamilton.
Marshall, George A.—fifty-fifth. Shelby.
Martin, Charles D.—thirty-sixth. Fairfield.
Mason, Samson — twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh. Clark.
Mathiot, Joshua—twenty-seventh. Licking.
Matthews, James—twenty-seventh, twenty-eighth. Coshocton.
Matthews, Nelson E.—sixty-fourth. Putnam.
McArthur, Duncan—thirteenth, eighteenth. Ross.
McDowell, John A.—fifty-fifth, fifty-sixth. Holmes.
McDowell, Joseph J.—twenty-eighth, twenty-ninth. Highland.
McCauslin, William—twenty-eighth. Jefferson.
McClure, Addison H.—forty-seventh, fifty-fourth. Wayne.
McCormick, John W.—forty-eighth. Gallia.
McCullough, Roscoe C.—sixty-fourth, sixty-fifth, sixty-sixth. Stark.
McKinley, William, Jr.—forty-fifth, forty-sixth, forty-seventh, forty-eighth, fiftieth, fifty-first. Stark.
McKinney, John F.—thirty-eighth, forty-second. Miami.
McLean, John—thirteenth, fourteenth. Warren.
McLean, William—eighteenth, nineteenth, twentieth. Miami.
McLene, Jeremiah—twenty-third, twenty-fourth. Franklin.
McMahon, John A. — forty-fourth, forty-fifth, forty-sixth. Montgomery.
McSweeney, John—sixty-eighth, sixty-ninth. Wayne.
Medill, William—twenty-sixth, twenty-seventh. Fairfield.
Meekison, David—fifty-fifth, fifty-sixth. Henry.
Miller, John K.—thirtieth, thirty-first. Knox.
Miller, Joseph—thirty-fifth. Ross.
Mitchell, Robert—twenty-third. Muskingum.
Monroe, James — forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth. Lorain.
Mooney, William C.—sixty-fourth, sixty-sixth, sixty-eighth, sixty-ninth. Monroe.
Moore, C. Ellis — sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Guernsey.
Moore, Eliakim H.—forty-first. Athens.
Moore, Heman A.—twenty-eighth. Franklin.
Moore, Oscar F.—thirty-fourth. Scioto.
Morey, Henry L.—forty-seventh, forty-eighth, fifty-first. Butler.
Morgan, George W.—fortieth, forty-first, forty-second. Knox.
Morgan, Stephen—fifty-sixth, fifty-seventh, fifty-eighth. Jackson.
Morgan, William M.—sixty-seventh, sixty-eighth, sixty-ninth. Licking.
Morris, Calvary—twenty-fifth, twenty-sixth, twenty-seventh. Athens.
Morris, James R.—thirty-seventh, thirty-eighth. Monroe.
Morris, Jonathan D.—thirtieth, thirty-first. Clermont.
Morris, Joseph—twenty-eighth, twenty-ninth. Monroe.
Morrow, Jeremiah—eighth, ninth, tenth, eleventh, twelfth, twenty-sixth, twenty-seventh. Warren.
Mott, Richard—thirty-fourth, thirty-fifth. Lucas.
Mouser, Grant E.—fifty-ninth, sixtieth. Marion.
Muhlenburg, Francis—twentieth. Pickaway.
Mungen, William—fortieth, forty-first. Hancock.

Murphy, Frank — sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Jefferson.
Murray, Robert Maynard—forty-eighth. Miami.
Neal, Henry S.—forty-fifth, forty-sixth, forty-seventh. Lawrence.
Neal, Lawrence T.—forty-third, forty-fourth. Ross.
Nevin, Robert M.—fifty-seventh, fifty-eighth, fifty-ninth. Montgomery.
Newton, Eben—thirty-second. Mahoning.
Nicholas, Matthias H.—thirty-third, thirty-fourth, thirty-fifth. Allen.
Noble, Warren P.—thirty-seventh, thirty-eighth. Seneca.
Northway, Stephen A.—fifty-third, fifty-fourth, fifty-fifth. Ashtabula.
Norton, James A.—fifty-fifth, fifty-sixth, fifty-seventh. Seneca.
Norton, Miner G.—sixty-seventh. Cuyahoga.
Nugen, Robert H.—thirty-seventh. Tuscarawas.
Ohliger, Lewis P.—fifty-second. Wayne.
Olds, Edson B.—thirty-first, thirty-second, thirty-third. Pickaway.
O'Neill, John—thirty-eighth. Muskingum.
Outhwaite, Joseph H. — forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third. Franklin.
Overmyer, Arthur W.—sixty-fourth, sixty-fifth. Sandusky.
Owens, James W.—fifty-first, fifty-second. Licking.
Paige, David R.—forty-eighth. Summit.
Parsons, Richard C.—forty-third. Cuyahoga.
Parrish, Isaac—twenty-sixth, twenty-ninth. Guernsey.
Patterson, John—eighteenth. Belmont.
Patterson, William—twenty-third, twenty-fourth. Richland.
Pattison, John M.—fifty-second. Clermont.
Payne, Henry B.—forty-fourth. Cuyahoga.
Pearson, Albert J.—fifty-second, fifty-third. Monroe.
Peck, Erasmus D.—forty-first, forty-second. Wood.
Pendleton, George H.—thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth. Hamilton.
Pendleton, Nathaniel G.—twenty-seventh. Hamilton.
Perrill, Augustus L.—twenty-ninth. Pickaway.
Perry, Aaron F.—forty-second. Hamilton.
Phillips, Fremont O.—fifty-sixth. Medina.
Plants, Tobias—thirty-ninth, fortieth. Meigs.
Poppleton, Early F.—forty-fourth. Delaware.
Post, James D.—sixty-second, sixty-third. Fayette.
Potter, Emory D.—twenty-eighth, thirty-first. Lucas.
Pugsley, Jacob J.—fiftieth, fifty-first. Highland.
Rice, Americus V.—forty-fourth, forty-fifth. Putnam.
Richards, James A. D.—fifty-third. Tuscarawas.
Richey, Thomas—thirtieth, thirty-third. Lucas.
Ricketts, Edwin D.—sixty-fourth, sixty-sixth, sixty-seventh. Hocking.
Riddle, Albert G.—thirty-seventh. Cuyahoga.
Ridgway, Joseph—twenty-fifth, twenty-sixth, twenty-seventh. Franklin.
Ritchie, Byron F.—fifty-third. Lucas.
Ritchie, James M.—forty-seventh. Lucas.
Robinson, James—forty-seventh, forty-eighth. Hardin.
Robinson, James W.—forty-third. Union.
Romeis, Jacob—forty-ninth, fiftieth. Lucas.
Root, Joseph M.—twenty-ninth, thirtieth, thirty-first. Huron.
Ross, Thomas R.—sixteenth, seventeenth, eighteenth. Warren.
Russell, J. Edward—sixty-fourth. Shelby.
Russell, William — twentieth, twenty-first, twenty-second, twenty-seventh. Adams.
Sapp, William R.—thirty-third, thirty-fourth. Knox.
Savage, John S.—forty-fourth. Clinton.
Sawyer, William—twenty-ninth, thirtieth. Mercer.
Sayler, Milton—forty-third, forty-fourth, forty-fifth. Hamilton.

Schenck, Robert C.—twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-eighth, thirty-ninth, fortieth, forty-first. Montgomery.
Schultz, Emanuel—forty-seventh. Montgomery.
Scroggy, Thomas E.—fifty-ninth. Greene.
Seney, George E.—forty-eighth, forty-ninth, fiftieth. Seneca.
Shannon, Thomas—nineteenth. Belmont.
Shannon, Wilson—thirty-third. Belmont.
Sharp, William G.—sixty-first, sixty-second, sixty-third. Lorain.
Shattuc, William B.—fifty-fifth, fifty-sixth, fifty-seventh. Hamilton.
Shellabarger, Samuel—thirty-seventh, thirty-ninth, fortieth, forty-second. Clark.
Sheplar, Matthias—twenty-fifth. Stark.
Sherman, John—thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh. Richland.
Sherwood, Isaac R.—forty-third, Williams; sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-eighth. Lucas.
Shields, James—twenty-first. Butler.
Skiles, William W.—fifty-seventh, fifty-eighth. Richland.
Sloan, John—sixteenth, seventeenth, eighteenth, nineteenth, twentieth. Wayne.
Sloane, Jonathan—twenty-third, twenty-fourth. Portage.
Smith, John A.—forty-first, forty-second. Highland.
Smith, John Q.—forty-third. Clinton.
Smyser, Martin L.—fifty-first, fifty-ninth. Wayne.
Snook, John S.—fifty-seventh, fifty-eighth, sixty-fifth. Paulding.
Sorg, Paul J.—fifty-third, fifty-fourth. Butler.
Southard, James H.—fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth. Lucas.
Southard, Milton I.—forty-third, forty-fourth, forty-fifth. Muskingum.
Spalding, Rufus P.—thirty-eighth, thirty-ninth, fortieth. Cuyahoga.
Spangler, David—twenty-third, twenty-fourth. Coshocton.
Speaks, John C.—sixty-seventh, sixty-eighth, sixty-ninth. Franklin.
Spink, Cyrus—thirty-sixth. Wayne.
Sprague, William P.—forty-second, forty-third. Morgan.
Stanbery, William—twenty-first, twenty-second. Licking.
Stanton, Benjamin — thirty-second, thirty-fourth, thirty-fifth, thirty-sixth. Logan.
Starkweather, David—twenty-sixth, twenty-ninth. Stark.
Stephens, Ambrose E. B.—sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Hamilton.
Stevenson, Job E.—forty-first, forty-second. Hamilton.
St. John, Henry—twenty-eighth, twenty-ninth. Seneca.
Stokely, Samuel—twenty-seventh. Jefferson.
Stone, Alfred P.—twenty-eighth. Franklin.
Storer, Bellamy—twenty-fourth. Hamilton.
Storer, Bellamy—fifty-second, fifty-third. Hamilton.
Strader, Peter W.—forty-second. Hamilton.
Strong, Luther M.—fifty-third, fifty-fourth. Hardin.
Stuart, Andrew—thirty-third. Jefferson.
Swearingen, Henry—twenty-fifth, twenty-sixth. Jefferson.
Sweetzer, Charles—thirty-first, thirty-second. Delaware.
Sweney, George—twenty-sixth, twenty-seventh. Crawford.
Switzer, Robert M.—sixty-second, sixty-third, sixty-fourth, sixty-fifth. Gallia.
Taft, Charles P.—fifty-fourth. Hamilton.
Tayler, Robert W.—fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh. Mahoning.
Taylor, Edward L., Jr.—fifty-ninth, sixtieth, sixty-first, sixty-second. Franklin.

Taylor, Ezra B.—forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second. Trumbull.
Taylor, Isaac H.—forty-ninth. Carroll.
Taylor, John L.—thirtieth, thirty-first, thirty-second, thirty-third. Ross.
Taylor, Jonathan—twenty-sixth. Licking.
Taylor, Vincent A.—fifty-second. Cuyahoga.
Theaker, Thomas C.—thirty-sixth. Belmont.
Thomas, William A. — fifty-eighth, fifty-ninth, sixtieth, sixty-first. Trumbull.
Thompson, Albert C.—forty-ninth, fiftieth, fifty-first. Scioto.
Thompson, Charles J.—sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth. Defiance.
Thompson, John—nineteenth. Ross.
Thompson, John — twenty-first, twenty-second, twenty-third, twenty-fourth. Columbiana.
Thurman, Allen G.—twenty-ninth. Ross.
Tilden, Daniel R.—twenty-eighth, twenty-ninth. Portage.
Tompkins, Cydnor B.—thirty-fifth, thirty-sixth. Morgan.
Tompkins, Emmett—fifty-seventh. Franklin.
Tou Velle, William E.—sixtieth, sixty-first. Mercer.
Townsend, Amos—forty-fifth, forty-sixth, forty-seventh. Cuyahoga.
Townshend, Norton S.—thirty-second. Lorain.
Trimble, Carey A.—thirty-sixth, thirty-seventh. Ross.
Underwood, Mell G.—sixty-eighth, sixty-ninth. Perry.
Updegraff, Jonathan—forty-sixth, forty-seventh. Jefferson.
Upson, William H.—forty-first, forty-second. Summit.
Vallandigham, Clement L. — thirty-fifth, thirty-sixth, thirty-seventh. Montgomery.
Vance, John L.—forty-fourth. Gallia.
Vance, Joseph—seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-eighth, twenty-ninth. Champaign.
Van Meter, John I.—twenty-eighth. Pike.
Van Trump, Philadelph—fortieth, forty-first, forty-second. Fairfield.
Van Voorhis, Henry C.—fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth. Muskingum.
Van Vorhes, Nelson H.—forty-fourth, forty-fifth. Athens.
Vinton, Samuel F.—eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-eighth, twenty-ninth, thirtieth, thirty-first. Gallia.
Wade, Edward — thirty-third, thirty-fourth, thirty-fifth, thirty-sixth. Cuyahoga.
Wallace, Jonathan H.—forty-seventh. Columbiana.
Walling, Ansel T.—forty-fourth. Pickaway.
Warner, Adoniram J.—forty-sixth, forty-eighth, forty-ninth. Washington.
Warnock, William R.—fifty-seventh, fifty-eighth. Champaign.
Warren, Gard.—sixty-third. Hamilton.
Warwick, John G.—fifty-second. Stark.
Watson, Cooper K.—thirty-fourth. Seneca.
Watson, David K.—fifty-fourth. Franklin.
Weaver, Walter L.—fifty-fifth, fifty-sixth. Clark.
Webber, Amos R.—fifty-eighth, fifty-ninth. Lorain.
Webster, Taylor—twenty-third, twenty-fourth. Butler.
Weems, Capell W.—fifty-eighth, fifty-ninth, sixtieth. Belmont.
Welch, John—thirty-second. Athens.
Welker, Martin—thirty-ninth, fortieth, forty-first. Wayne.
Weller, John B.—twenty-sixth, twenty-seventh, twenty-eighth. Butler.
Welty, Benjamin F.—sixty-fifth, sixty-sixth. Allen.
Whitacre, John J.—sixty-second, sixty-third. Stark.
White, Clinton A.—thirty-seventh, thirty-eighth. Brown.

White, George—sixty-second, sixty-third, sixty-fifth. Washington.
White, Joseph W.—thirty-eighth. Guernsey.
White, William J.—fifty-third. Cuyahoga.
Whittlesey, Elisha—eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth. Trumbull.
Whittlesey, William A.—thirty-first. Washington.
Wickham, Charles P.—fiftieth, fifty-first. Huron.
Wilkins, Beriah—forty-eighth, forty-ninth, fiftieth. Tuscarawas.
Williams, Elihu S.—fiftieth, fifty-first. Miami.
Williams, Seward H.—sixty-fourth. Lorain.
Willis, Frank B.—sixty-second, sixty-third. Hardin.
Wilson, George W.—fifty-third, fifty-fourth. Madison.
Wilson, John T.—fortieth, forty-first, forty-second. Adams.
Wilson, William—eighteenth, nineteenth, twentieth. Licking.
Winans, James J.—forty-first. Greene.
Wood, Amos E.—thirty-first. Sandusky.
Woods, John—nineteenth, twentieth. Butler.
Woodworth, Laurin D.—forty-third, forty-fourth. Mahoning.
Worcester, Samuel T.—thirty-seventh. Huron.
Wright, John C.—seventeenth, eighteenth, nineteenth, twentieth. Jafferson.
Yoder, Samuel S.—fiftieth, fifty-first. Allen.
Young, Thomas L.—forty-sixth, forty-seventh. Hamilton.

OVER THE RADIO

OHIO[1]

By Cyrus Locher

Director of Commerce Administration Division State Securities Department

Ohio is a cross-section of the country. It is known as the most representative in the sisterhood of states. The history of Ohio is a record of progress, prosperity and happiness.

Ohio is an agricultural state and an industrial state.

Ohio has a population of 7,000,000 people.

Ohio has a tax duplicate of $12,500,000,000.

Ohio has 80 cities.

Ohio has 30,000 domestic and foreign corporations authorized to do business in the State.

There are 94 steam railroads; 85 street railroads; 217 electric light companies; 117 gas companies and 495 telephone companies—1134 public utilities in Ohio.

Ohio has 950 savings and loan associations, with assets of $850,000,000. Ohio has 1,110 state and national banks, with combined assets of $2,750,000,000. Eight hundred and forty insurance companies do business in Ohio and the people of the state paid $215,000,000. in premiums last year.

Ohio has 40,730 square miles of land and only 4% lies waste. Ohio owns 30,000 acres of inland lakes.

[1]This contribution was caught over the radio, and the author consented to its publication. If anything has been omitted in the foregoing pages, it has without doubt been included in this comprehensive view of the state by one eminently qualified to speak with authority. While round numbers have been used in several instances, this summary, because of that fact, loses none of its interest to the general reader. It may well be presented as the conclusion of this volume.

The harbor in Cleveland is more important from the standpoint of tonnage, than Liverpool.

Ohio has 2,283 mining enterprises and 16,125 manufacturing establishments and 250,000 farms.

The products of the mines and the factories and the mills, and the crops and products of the farms in Ohio, amount to $6,000,000,000 per year. Akron alone in 1920 produced rubber tires worth $550,000,000.

There are 85,500 miles of roads in Ohio, 12,500 miles of which are brick or concrete, and 24,500 miles of secondary construction.

Ohio has 3,400 druggists, 3,500 dentists, and 7,500 physicians and 5,000 lawyers licensed by the state.

Ohio has 1,000 newspapers, 14,000 restaurants, 1,700 hotels and 1,200 moving picture theatres.

Ohio has more than a million automobiles, more than a million telephones, more than a million gas connections, more than a million horses, more than two million cattle, more than two million hogs and more than a million and a half of sheep.

Ohio produces annually 10,000,000 pounds of wool, 30,000,000 pounds of butter and 100,000,000 dozen of eggs.

Ohio has 1,500,000 working men protected by the Workmen's Compensation Law.

Ohio has 10,618 churches.

Ohio has 10,000 school buildings and employs 40,000 school teachers to teach the youth of the state.

Ohio has school property valued at $140,000,000 and spends $120,000,000 for public education annually.

Ohio has 93 colleges and normal schools and 30,000 young men and women attend these institutions of higher learning.

Ohio's climate produces a rugged healthy manhood and womanhood.

The things that these figures represent are the factors that make Ohio. These are the things that determine the value of real estate regardless where the real estate is situated. Land is valuable in proportion to its earning capacity—in comforts, customers or what the soil produces.

Investments and moderate efforts in Ohio do not yield fabulous returns, but opportunities for safe investments and honest effort are in abundance everywhere in Ohio.

Ohio never booms; Ohio grows.

Ohio has been a potent factor in conquering the west and in the developing of other states. It is estimated that 750,000 men and women that have contributed in the development of other states were born in Ohio.

As other states develop, the industries of Ohio expand because we make a thousand and one things that we sell to other states and countries.

States and countries are developed not by exploitation and inflation but by investment and honest work. States are developed not by booms but by growth.

Ohio always has offered and offers now countless rewards for honest investments and honest effort.

Ohio offers honest men and women a living and a good place to live.

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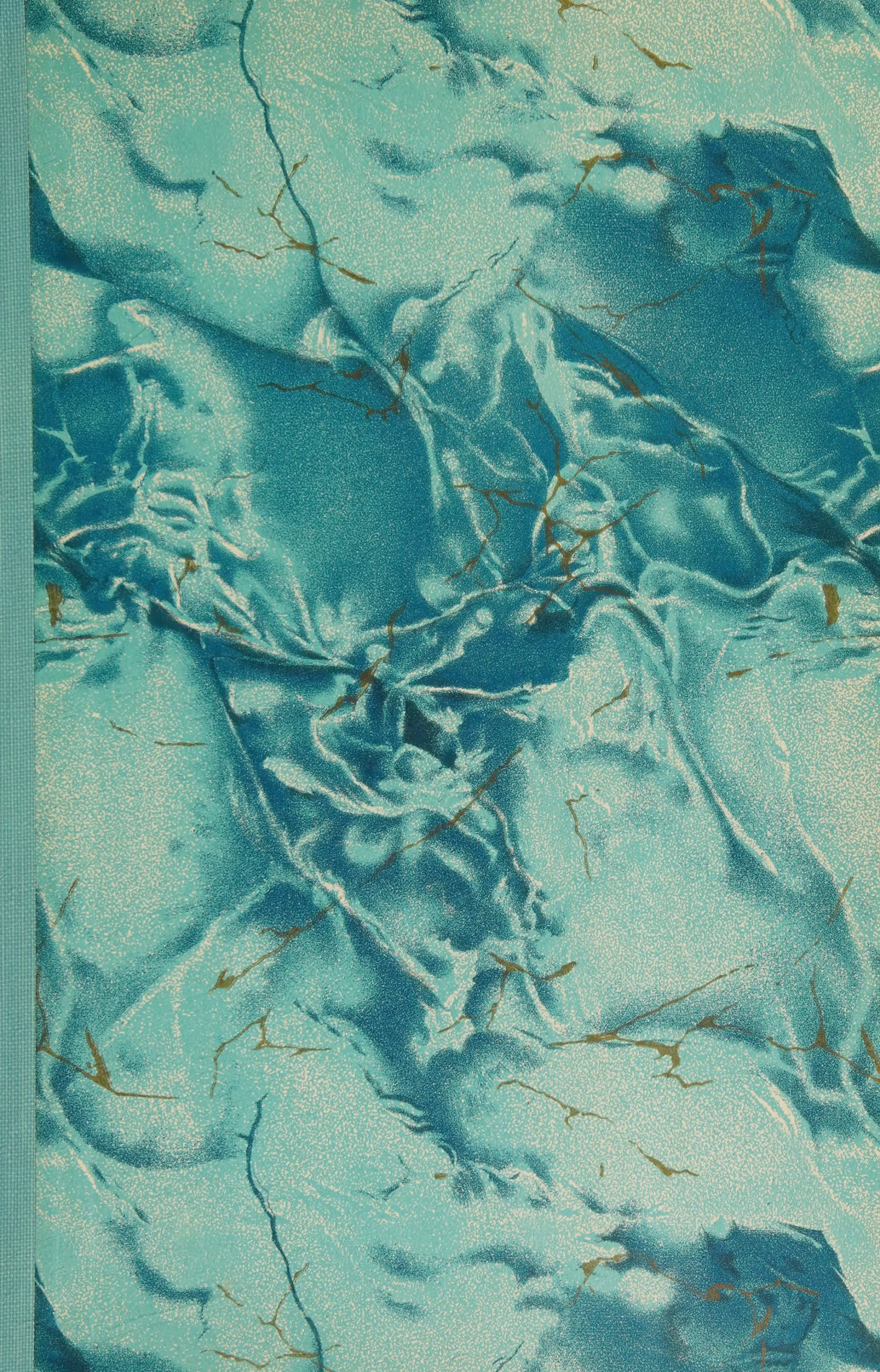

LORAIN COUNTY
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